

**Maine Revised Statutes**  
**Title 29-A: MOTOR VEHICLES AND TRAFFIC**

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# Title 29-A: MOTOR VEHICLES AND TRAFFIC

## Chapter 1: GENERAL PROVISIONS

### §101. DEFINITIONS

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Adjudication.** "Adjudication" means a finding by a court that a person has committed a traffic infraction and includes the acceptance by the clerk of the violations bureau or any judicial division of an answer of not contested.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**1-A. Access aisle.** "Access aisle" means a designated space for maneuvering a wheelchair or other mobility device when entering or exiting a vehicle, and that is immediately adjacent to a properly designated parking space for a person with a disability. An access aisle must be marked so as to discourage parking in it.

[ 2005, c. 433, §3 (NEW); 2005, c. 433, §28 (AFF) .]

**2. Altered vehicle.** "Altered vehicle" means a motor vehicle with a gross vehicle weight rating of 10,000 pounds or less that is modified so that the distance from the ground to the lowermost point on any part of the frame or body is different from the manufacturer's specifications, unless that difference is caused by:

A. The use of tires that are no more than 2 sizes larger than the manufacturer's recommended sizes; [2005, c. 276, §1 (AMD).]

B. The installation of a heavy duty suspension, including shock absorbers and overload springs; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Normal wear of the suspension system that does not affect control of the vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2005, c. 276, §1 (AMD) .]

**3. Antique auto.** "Antique auto" means an automobile or truck manufactured in or after model year 1916 that is:

A. More than 25 years old; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Equipped with an engine manufactured either at the same time as the vehicle or to the specifications of the original engine; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Substantially maintained in original or restored condition primarily for use in exhibitions, club activities, parades or other functions of public interest; [1997, c. 653, §2 (AMD).]

D. Not used as its owner's primary mode of transportation of passengers or goods; [2005, c. 314, §1 (AMD).]

E. Not a reconstructed vehicle; and [2005, c. 314, §2 (AMD).]

F. Not an altered vehicle. [2005, c. 314, §3 (NEW).]

[ 2005, c. 314, §§1-3 (AMD) .]

**4. Antique motorcycle.** "Antique motorcycle" means a motorcycle or a motor-driven cycle that is:

A. More than 25 years old; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Equipped with an engine manufactured either at the same time as the vehicle or to the specifications of the original engine; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Maintained primarily for use in exhibitions, club activities, parades or other functions of public interest; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Not used as its owner's primary mode of transportation of passengers or goods. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Articulated bus.** "Articulated bus" means a bus consisting of 2 passenger-carrying sections in which the rear body section is flexibly but permanently connected to the front section in a manner that allows the vehicle to bend without having an interior barrier to movement between sections of the vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Authorized emergency vehicle.** "Authorized emergency vehicle" has the same meaning as defined in section 2054.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### **6-A. Autocycle.**

[ 2009, c. 55, §1 (NEW); T. 29-A, §101, sub-§6-A (RP) .]

#### **6-B. Autocycle.**

[ 2011, c. 556, §1 (NEW); T. 29-A, §101, sub-§6-B (RP) .]

**7. Automobile.** "Automobile" means a motor vehicle designed for the conveyance of passengers that has a seating capacity of not more than 15 persons, including the operator.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7-A. Auxiliary power unit.** "Auxiliary power unit" means an integrated system that:

A. Provides heat, air conditioning, engine warming or electricity components on a heavy duty vehicle; and [2009, c. 3, §1 (NEW).]

B. Is certified by the Administrator of the United States Environmental Protection Agency under 40 Code of Federal Regulations, Part 89 as meeting emissions standards. [2009, c. 3, §1 (NEW).]

[ 2009, c. 3, §1 (NEW) .]

**8. Axle.** "Axle" means an assembly of a vehicle consisting of 2 or more wheels whose centers are in one horizontal plane and by which a portion of the weight of a vehicle load may be transmitted to the roadway.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8-A. Axle weight.** "Axle weight" means the weight of an axle plus the weight of the load carried by the axle.

[ 2003, c. 166, §2 (NEW) . ]

**9. Bicycle.** "Bicycle" means a device primarily propelled by human power, operated by a person usually seated on a seat and driven on the ground on wheels by the operator.

[ 2001, c. 148, §1 (AMD) . ]

**10. Bureau.** "Bureau" means the Bureau of Motor Vehicles.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**11. Bus.** "Bus" means a motor vehicle designed for carrying more than 15 persons, including the operator.

[ 2013, c. 496, §1 (AMD) . ]

**12. Business or residential district.** "Business or residential district" means the part of a municipality, contiguous to a way, that is built up with structures that are situated less than 150 feet apart for a distance of at least 1/4 of a mile.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**13. Camp trailer.** "Camp trailer" means a trailer or semitrailer primarily designed and constructed to provide temporary living quarters for recreational, camping, travel or other use.

"Camp trailer" includes a manufactured or homemade tent trailer, so called, that consists of a platform, shelf or box with means of permanently or temporarily attaching a tent. "Camp trailer" does not include a mobile home.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**14. Certified reserve officer.** "Certified reserve officer" means an officer who has attended the 100-hour reserve training program sponsored by the Maine Criminal Justice Academy and has received the academy's certification as a reserve officer.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**15. Classic vehicle.** "Classic vehicle" means a motor vehicle that is at least 16 years old but less than 26 years old that the Secretary of State determines is of significance to vehicle collectors because of its make, model and condition and is valued at more than \$5,000.

[ 2001, c. 361, §1 (AMD) . ]

**15-A. Combination vehicle.** "Combination vehicle" means a motor vehicle consisting of a truck or truck tractor in combination with one or more trailers or semitrailers.

[ 2015, c. 473, §2 (AMD) . ]

**16. Commercial driver's license.** "Commercial driver's license" means a license issued to an individual by this State or another jurisdiction of domicile that authorizes the individual to operate a class of commercial motor vehicle.

[ 2013, c. 381, Pt. B, §4 (AMD) . ]

**16-A. Commercial learner's permit.** "Commercial learner's permit" means a permit issued to an individual by this State or another jurisdiction of domicile that, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of a commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid.

[ 2013, c. 381, Pt. B, §5 (NEW) .]

**17. Commercial motor vehicle.** "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

A. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit or units with a gross weight rating of more than 10,000 pounds; [2013, c. 381, Pt. B, §6 (AMD).]

B. Is a bus; [2013, c. 381, Pt. B, §6 (AMD).]

C. Is of any size and is used in the transportation of any materials that have been designated as hazardous under 49 United States Code, Section 5103 and require placarding under the federal Hazardous Materials Transportation Act and related regulations in 49 Code of Federal Regulations, Part 172, Subpart F or any quantity of a material listed as a select agent or toxin in 42 Code of Federal Regulations, Part 73; or [2013, c. 381, Pt. B, §6 (AMD).]

D. Has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds. [2013, c. 381, Pt. B, §6 (NEW).]

[ 2013, c. 381, Pt. B, §6 (AMD) .]

**18. Crosswalk.** "Crosswalk" means the portion of a way:

A. At an intersection that is included within extensions of the lateral lines of the sidewalks on opposite sides of the way beginning at the curbs or, in the absence of curbs, from the edge of traversable ways; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. At an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the way surface. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**19. Curb.** "Curb" means the edge of a sidewalk nearest to a way or either edge of the wrought or usually traveled part of a way.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**19-A. Custom vehicle.** "Custom vehicle" means a motor vehicle manufactured after model year 1948 that:

A. Is at least 25 years old or was manufactured to resemble a motor vehicle that is at least 25 years old; and [2011, c. 139, §1 (NEW).]

B. Has been altered or modified from the manufacturer's original design or has a body constructed from nonoriginal material. [2011, c. 139, §1 (NEW).]

[ 2011, c. 139, §1 (RPR) .]

**20. Daytime.** "Daytime" means any time from 1/2 hour before sunrise to 1/2 hour after sunset.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**21. Department.** "Department" means the Department of Transportation.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**21-A. Drive-away saddlemount vehicle transporter combination.** "Drive-away saddlemount vehicle transporter combination" means a vehicle combination designed and specifically used to tow up to 3 trucks or truck tractors, each connected by a saddle to the frame or 5th wheel of the vehicle in front of it. The saddle is a mechanism that connects the front axle of the towed vehicle to the frame or 5th wheel of the vehicle in front of it. The drive-away saddlemount vehicle transporter combination may include one fullmount, which consists of a smaller vehicle mounted completely on the frame of either the first or the last vehicle in the drive-away saddlemount vehicle transporter combination.

[ 2007, c. 306, §5 (NEW) .]

**22. Driver.** "Driver" has the same meaning as "operator" as defined in subsection 48.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**22-A. Electric personal assistive mobility device.** "Electric personal assistive mobility device" means a self-balancing, 2-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

[ 2001, c. 687, §3 (NEW) .]

**23. Farming.** "Farming" means engaging in farming in all its branches and the cultivation and tillage of the soil as a livelihood and includes dairying; raising livestock, freshwater fish, fur-bearing animals or poultry; producing, cultivating, growing and harvesting fruit, produce or floricultural or horticultural commodities; or any practices on a farm that are incident to or in conjunction with these farming operations. For the purposes of this Title, "farming" does not include forestry, the growing of timber or the operation of a farm for recreational activity.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**23-A. Final-stage manufacturer.** "Final-stage manufacturer" means a manufacturer who performs manufacturing operations on an incomplete vehicle such that the vehicle becomes complete.

[ 2003, c. 166, §3 (NEW) .]

**24. Fish truck.** "Fish truck" means a 2-axle or 3-axle motor truck used primarily to harvest and transport fish or marine animals, including use in aquaculture.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**25. For-hire transportation.** "For-hire transportation" means the transportation for compensation of passengers, freight or merchandise not owned by the carrier.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**25-A. Golf cart.** "Golf cart" means a motor vehicle that is originally designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour. "Golf cart" does not include an ATV as defined in Title 12, section 13001.

[ 2003, c. 414, Pt. B, §40 (AMD); 2003, c. 614, §9 (AFF) .]

**26. Gross weight.** "Gross weight" means the weight in pounds of an empty vehicle or axle plus the weight of the maximum load to be carried by the vehicle or axle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**26-A. Gross vehicle weight.** "Gross vehicle weight" or "GVW" means the actual total weight of the vehicle and load.

[ 2003, c. 166, §4 (NEW) .]

**26-B. Gross vehicle weight rating.** "Gross vehicle weight rating" or "GVWR" means the weight of the vehicle and load as determined by the final-stage manufacturer, as the rating appears on the vehicle.

[ 2003, c. 166, §4 (NEW) .]

**27. Hazardous material.** "Hazardous material" means any material that has been designated as hazardous under 49 United States Code, Sections 5101 to 5127 (2003) and is required to be placarded under 49 Code of Federal Regulations, Part 172, Subpart F or any quantity of material listed as a select agent or toxin in 42 Code of Federal Regulations, Part 73.

[ 2003, c. 434, §3 (AMD); 2003, c. 434, §37 (AFF) .]

**27-A. Heavy duty vehicle.** "Heavy duty vehicle" means a vehicle powered by a diesel engine that has a gross vehicle weight rating greater than 8,500 pounds.

[ 2009, c. 3, §2 (NEW) .]

**28. Horseless carriage.** "Horseless carriage" means an automobile manufactured before model year 1916 that is:

A. Equipped with an engine manufactured either at the same time as the vehicle or to the specifications of the original engine of the vehicle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Maintained primarily for use in exhibitions, club activities, parades and other functions of public interest; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Not used as its owner's primary mode of transportation of passengers or goods. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**28-A. Immediate family member.** "Immediate family member" means a grandparent, stepgrandparent, parent, stepparent, brother, stepbrother, sister, stepsister, child, stepchild, spouse or such analogous family members as may be connected via the operation of a family foster home as defined in Title 22, section 8101, subsection 3.

[ 2013, c. 381, Pt. B, §7 (AMD) .]



**28-B. Improved school property.** "Improved school property" means the developed portion of school property including driveways, parking lots, playgrounds, athletic fields or school buildings.

[ 2001, c. 145, §1 (NEW) .]

**29. Intersection.** "Intersection" means:

A. For ways joining each other at approximately right angles, the area within the extension of the outside boundary of the way or curb lines; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. For other joining ways, the area at the junction within which vehicles may come in contact; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Where the opposite lanes of a divided highway are separated by 30 feet or more, every crossing of each lane by an intersecting highway. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**29-A. Interstate highway, interstate system or interstate highway system.** "Interstate highway," "interstate system" or "interstate highway system" has the same meaning as defined in Title 23, section 1903, subsection 3, except that it does not include that portion of the Maine Turnpike designated Interstate 95 and that portion of Interstate 95 from the southern terminus of the Maine Turnpike to the New Hampshire state line.

[ 2009, c. 315, §4 (AMD) .]

**30. Law enforcement officer.** "Law enforcement officer" means a person who by virtue of public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

"Law enforcement officer" also means an officer or special investigator of the Bureau of Revenue Services, but only when the officer or special investigator is engaged in enforcement of tax laws under this Title or Title 36.

[ 1995, c. 584, Pt. B, §1 (AMD); 1997, c. 526, §14 (AMD) .]

**31. License.** "License" means an operator's license or driver's license or other license, permit or privilege to operate a motor vehicle. "License" includes, but is not limited to, a nonresident operating privilege and the privilege of a person to apply for or obtain a license or permit to operate a motor vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**32. Limousine.** "Limousine" means a vehicle for hire, with a driver, that is used for the transportation of passengers and that has a seating capacity of at least 5 and no more than 14 persons behind the driver.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**32-A. Low-speed vehicle.** "Low-speed vehicle" means a 4-wheeled motor vehicle that is able to attain a speed of at least 20 miles per hour but not more than 25 miles per hour and is less than 3,000 pounds in unloaded weight. "Low-speed vehicle" does not include an ATV as defined in Title 12, section 13001. A low-speed vehicle must be originally manufactured and maintained in accordance with the Federal Motor Vehicle Safety Standards as a low-speed vehicle pursuant to 49 Code of Federal Regulations, Section 571.500, as amended.

[ 2009, c. 42, §1 (AMD) .]

**32-B. Manufactured housing.** "Manufactured housing" means a structural unit or units designed to be used as a dwelling or dwellings and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. "Manufactured housing" includes any type of building that is constructed at a manufacturing facility and then transported to a building site where it is used for housing and that may be purchased, sold, offered for sale or brokered by a licensee in the interim. Three types of manufactured housing are included. They are:

A. Units constructed after June 15, 1976 that the manufacturer certifies are constructed in compliance with the code adopted by the United States Department of Housing and Urban Development and that are structures, transportable in one or more sections that, in the traveling mode, are 8 body feet or more in width and 40 body feet or more in length or, when erected on site, are 320 or more square feet and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems within the units; except that "manufactured housing" includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code, Section 5401 et seq.; [2005, c. 678, §4 (NEW); 2005, c. 678, §13 (AFF).]

B. State-certified modular homes, which are those units that the manufacturer certifies are constructed in compliance with the State's laws and rules governing manufactured housing, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems within the units; and [2005, c. 678, §4 (NEW); 2005, c. 678, §13 (AFF).]

C. Units constructed prior to June 15, 1976 that are structures, transportable in one or more sections, that are 8 body feet or more in width and are 32 body feet or more in length and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems within the units. [2005, c. 678, §4 (NEW); 2005, c. 678, §13 (AFF).]

[ 2005, c. 678, §4 (NEW); 2005, c. 678, §13 (AFF) .]

**33. Median strip.** "Median strip" means a physical barrier separating lanes of traffic moving in opposite directions.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**34. Minor.** "Minor" means a person who has not attained 18 years of age.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**35. Mobile home.** "Mobile home" has the same meaning as "manufactured housing" as defined in subsection 32-B, paragraphs A and C.

A. [2005, c. 678, §13 (AFF); 2005, c. 678, §5 (RP).]

B. [2005, c. 678, §13 (AFF); 2005, c. 678, §5 (RP).]

C. [2005, c. 678, §13 (AFF); 2005, c. 678, §5 (RP).]

D. [2005, c. 678, §13 (AFF); 2005, c. 678, §5 (RP).]

[ 2005, c. 678, §5 (AMD); 2005, c. 678, §13 (AFF) .]

**35-A. Modified show vehicle.** "Modified show vehicle" means a factory-produced 2-wheel-drive motor vehicle manufactured after 1949 that is equipped with modified components and that qualifies as a modified show vehicle under rules adopted by the Chief of the State Police.

[ 2001, c. 225, §1 (NEW) .]

**36. Moped.** "Moped" means a motorized device designed to travel with only 2 or 3 10-inch or larger diameter wheels in contact with the ground and that:

A. May have fully operative pedals for propulsion by human power; [2005, c. 577, §1 (RPR) .]

B. Has an electric or a liquid fuel motor with a cylinder capacity displacement not exceeding 50 cubic centimeters or an electric motor with a capacity under 1,500 watts; and [2005, c. 577, §1 (RPR) .]

C. Is equipped with a power drive system that functions only directly or automatically and does not require clutching or shifting by the operator after the drive system is engaged. [2005, c. 577, §1 (RPR) .]

"Moped" does not include an electric personal assistive mobility device.

[ 2005, c. 577, §1 (RPR) .]

**37. Motor carrier.** "Motor carrier" means a contract carrier, a common carrier or a private carrier of property or passengers by motor vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**38. Motorcycle.** "Motorcycle" means a motor vehicle that has a seat or a saddle for the use of the rider and is designed to travel with only 2 or 3 10-inch or larger diameter wheels in ground contact and has a motor with a cylinder capacity of more than 50 cubic centimeters or an electric motor with a capacity of not less than 1,500 watts.

[ 2005, c. 577, §2 (RPR) .]

**39. Motor-driven cycle.**

[ 2005, c. 577, §3 (RP) .]

**40. Motor home.** "Motor home" means a motor vehicle that:

A. Is originally designed, reconstructed or permanently altered to provide facilities for human habitation; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. Has a camper permanently attached to it. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

"Motor home" does not include a mobile home.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**41. Motorized bicycle or tricycle.** "Motorized bicycle or tricycle" means a bicycle or tricycle that:

A. May have pedals to permit human propulsion; and [1999, c. 170, §1 (AMD) .]

B. Has a motor attached to a wheel that is rated at no more than 1.5 brake horsepower and has a cylinder capacity capable of propelling the vehicle unassisted at a speed of 25 miles per hour or less on a level road surface. [1999, c. 170, §1 (AMD) .]

C. [1999, c. 170, §1 (RP) .]

"Motorized bicycle or tricycle" does not include an electric personal assistive mobility device.

[ 2001, c. 687, §6 (AMD) .]

**41-A. Motorized wheelchair.** "Motorized wheelchair" means a battery-powered device used exclusively for the transportation of an individual with a physical disability. "Motorized wheelchair" does not include an electric personal assistive mobility device.

[ 2001, c. 687, §7 (AMD) .]

**41-B. Motorized scooter.** "Motorized scooter" means a scooter that has 2 or 3 wheels less than 10 inches in diameter in ground contact or is powered by a motor having a maximum piston displacement of less than 25 cubic centimeters or an electric motor with a capacity not exceeding 750 watts. "Motorized scooter" does not include an electric personal assistive mobility device.

[ 2005, c. 577, §4 (AMD) .]

**42. Motor vehicle.** "Motor vehicle" means a self-propelled vehicle not operated exclusively on railroad tracks, but does not include:

A. A snowmobile as defined in Title 12, section 13001; [2003, c. 414, Pt. B, §42 (AMD); 2003, c. 614, §9 (AFF).]

B. An all-terrain vehicle as defined in Title 12, section 13001, unless the all-terrain vehicle is permitted in accordance with section 501, subsection 8 or is operated on a way and section 2080 applies; and [2005, c. 577, §5 (AMD).]

C. A motorized wheelchair or an electric personal assistive mobility device. [2001, c. 687, §9 (AMD) .]

[ 2013, c. 112, §2 (AMD) .]

**43. Motor vehicle violation.** "Motor vehicle violation" means a violation of this Title.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**44. Moving violation.** "Moving violation" means a violation of this Title for which points may be assessed in accordance with section 2458, subsection 3.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**45. Muffler.** "Muffler" means a device consisting of a series of chambers or baffle plates or another mechanical design for receiving exhaust gas from an internal combustion engine and reducing noise.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**46. Nighttime.** "Nighttime" means a time other than daytime.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**47. Nonresident.** "Nonresident" means a person whose legal residence is not in the State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**47-A. Off-road vehicle.** "Off-road vehicle" means a motor vehicle that, because of the vehicle's design and configuration, does not meet the inspection standards of chapter 15 and that is not a moped or motorcycle.

[ 2005, c. 577, §6 (NEW) .]

**48. Operator.** "Operator" means an individual who drives or is in control of a vehicle or who is exercising control over or steering a towed vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**49. Original registration.** "Original registration" means a registration other than a renewal of registration by the same owner.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**50. Owner.** "Owner" means a person holding title to a vehicle or having exclusive right to the use of the vehicle for a period of 30 days or more.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**51. Parking area.** "Parking area" means an area designed for use as access or parking for patrons and customers of establishments to which the public is invited.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**52. Parking control vehicle.** "Parking control vehicle" means a 3-wheel vehicle of 25 horsepower or less that has a metal roof and is operated by a law enforcement officer or a parking control officer to control parking and traffic.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**53. Pedestrian.** "Pedestrian" means a person on foot or an operator of a wheelchair or a 4-wheeled or 3-wheeled motorized wheelchair.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**54. Person.** "Person" means an individual, corporation, firm, partnership, joint venture, association, fiduciary, trust, estate or any other legal or commercial entity.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**55. Pickup truck.** "Pickup truck" means a truck with a registered gross vehicle weight of 10,000 pounds or less.

[ 2015, c. 206, §1 (AMD) .]

**56. Pilot vehicle.** "Pilot vehicle" means a motor vehicle equipped and operated as required by rules adopted by the Secretary of State that accompanies a vehicle or combination of vehicles that have a length, width, height or weight greater than that specified in this Title.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**57. Pneumatic tire.** "Pneumatic tire" means a tire in which confined air supports the load.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**58. Private way.** "Private way" means a way privately owned and maintained over which the owner may restrict use or passage and includes a discontinued way even if a public recreation easement has been reserved.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**59. Public way.** "Public way" means a way, owned and maintained by the State, a county or a municipality, over which the general public has a right to pass.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**59-A. Reconstructed motorcycle.** "Reconstructed motorcycle" means a salvaged or dismantled motorcycle that is repaired or assembled without original manufacturer component parts, excluding fenders.

[ 1997, c. 776, §2 (NEW) .]

**60. Reconstructed vehicle.** "Reconstructed vehicle" means a vehicle that has been reconstructed to change the original steering, braking system, suspension system or body design, including, but not limited to, a dune buggy, a street rod, a passenger car converted to a pickup truck or a manufactured vehicle body mounted on another manufactured chassis. Repair to a vehicle that replaces parts with similar parts is not reconstruction.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**60-A. Registered weight.** "Registered weight" means the gross vehicle weight specified on the vehicle's registration certificate.

[ 2003, c. 166, §6 (NEW) .]

**61. Registration.** "Registration" means the registration certificate, plates and renewal devices pertaining to the registration of a vehicle, including temporary registered gross weight increases.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**61-A. Registration agent.** "Registration agent" means a nongovernmental entity authorized by the Secretary of State to conduct registration transactions on the bureau's behalf.

[ 1995, c. 645, Pt. B, §4 (NEW); 1995, c. 645, Pt. B, §24 (AFF) .]

**62. Resident.** "Resident" means a person who has declared or established residency in this State or has been domiciled in this State for a period of at least 30 days, except for persons in compliance with section 109, subsection 1.

Except for a person in compliance with section 109, subsection 1, a person is deemed to be a resident:

A. For all vehicles owned by that person that are garaged or maintained in this State; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. If engaged in the business of renting you-drive or you-haul vehicles for an apportioned share of all vehicles based on the ratio of the mileage of vehicles operated in this State to the total mileage of vehicles operated both within and without the State. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

[ 1995, c. 454, §1 (AMD) .]

**63. Revocation of driver's license.** "Revocation of driver's license" means the termination of a license or privilege to operate by formal action of the bureau or a court. A revoked license may not be restored or renewed but may only be regained by a new application.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**63-A. Roller ski.** "Roller ski" means an object affixed to a foot, separately from the other foot, primarily propelled by human power and driven by the operator on the ground via wheels.

[ 2009, c. 484, §1 (NEW) .]

**64. Saddlemount vehicle transporter combination.**

[ 2007, c. 306, §6 (RP) .]

**64-A. School.** "School" has the same meaning as in Title 20-A, section 6353, subsection 7.

[ 2001, c. 667, Pt. A, §45 (RPR); 2001, c. 687, §10 (RPR) .]

**64-B. School zone.** "School zone" means the portion of the public highway abutting improved school property or 300 feet on either side of a school entrance, whichever is greater, or as designated under section 2075, subsection 3, paragraph F.

[ 2003, c. 92, §1 (AMD) .]

**64-C. Scooter.** "Scooter" means a device upon which a person may ride, consisting of a footboard between 2 end wheels, controlled by an upright steering handle attached to the front wheel and propelled by human power.

[ 2005, c. 577, §7 (AMD) .]

**65. Sell.** "Sell" means to sell, offer, negotiate or advertise to sell, display for sale, exchange or otherwise transfer for value.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**66. Semitrailer.** "Semitrailer" means a vehicle:

A. Without motive power; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Designed for being drawn by a motor vehicle; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Designed so that some part of its weight and its load rests upon or is carried by that motor vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

"Semitrailer" includes, but is not limited to, so-called pole dollies and pole dickeys and wheels commonly used as a support for the ends of logs or other long articles. "Semitrailer" excludes tow dollies.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**66-A. Single-axle unit.** "Single-axle unit" means one axle, or 2 axles less than 4 feet apart as measured from axle center to axle center.

[ 2003, c. 166, §7 (NEW) .]

**67. Solid tires.** "Solid tires" means tires of solid rubber or other material that do not depend on confined air for the support of the load.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**68. Solid waste.** "Solid waste" means useless, unwanted or discarded solid material with insufficient liquid content to be free-flowing, including, but not limited to, rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material and landscape refuse, but not including hazardous waste, biomedical waste, septic tank sludge or agricultural wastes. The fact that a solid waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**69. Special equipment.** "Special equipment" means equipment that is drawn by a motor vehicle and that is not designed or used to convey property other than hand tools or parts used in connection with the operation of that equipment, including, but not limited to, air compressors, conveyors, cement mixers, wood splitting or sawing machines, sprayers, compactors, pumps, drills and brush chippers.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**70. Special mobile equipment.** "Special mobile equipment" means a motor vehicle with permanently mounted equipment not designed or used primarily for the transportation of persons or property. "Special mobile equipment" includes, but is not limited to, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, trucks used only to plow snow and for other duties pertaining to winter maintenance, including sanding and salting, well drillers and wood-sawing equipment or similar types of equipment.

Special mobile equipment is divided into Class A and Class B special mobile equipment. Well drillers must be registered as Class A special mobile equipment. All other special mobile equipment may be registered either as Class A or Class B special mobile equipment.

[ 2013, c. 84, §1 (AMD) .]

**70-A. Sport utility vehicle.** "Sport utility vehicle" means a motor vehicle constructed on a light truck chassis but designed primarily for the transportation of persons or any motor vehicle designated by the United States Department of Transportation as a sport utility vehicle.

[ 2007, c. 383, §2 (NEW) .]

**71. Stinger-steered autotransporter.** "Stinger-steered autotransporter" means a combination vehicle consisting of a tractor and semitrailer designed and used specifically for the transport of motor vehicles that has the 5th wheel located on a drop frame located behind and below the rearmost axle of the power unit.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**72. Stock race car.** "Stock race car" means a factory-produced motor vehicle that is equipped with roll bars or bracing welded or attached to the frame in a permanent manner, special safety belts and firewalls and that has part of the body removed.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**73. Stop.** "Stop," when required, means complete cessation of movement.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]



**74. Stop or stopping.** "Stop" or "stopping," when prohibited, means halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**75. Street or highway.** "Street" or "highway" means a public way.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**76. Street rod.** "Street rod" means a replica of or a modified antique auto manufactured prior to 1949 that complies with standards adopted by the Chief of the State Police.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**77. Suspension of driver's license.** "Suspension of driver's license" means the temporary withdrawal of a license or privilege to operate a motor vehicle by formal action of the bureau or a court.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**78. Sunrise and sunset.** "Sunrise" and "sunset" are the times given in the Maine Farmers' Almanac for sunrise and sunset respectively on that particular day.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**78-A. Tandem-axle unit.** "Tandem-axle unit" means 2 or more axles at least 4 feet and not more than 8 feet apart, as measured from axle center to axle center of the extreme axles.

[ 2003, c. 166, §8 (NEW) .]

**78-B. Tank vehicle.** "Tank vehicle" means a commercial motor vehicle that is designed to transport liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregated rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. "Tank vehicle" does not include a commercial motor vehicle transporting an empty storage container tank, not designed for transportation of liquid or gaseous materials, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer.

[ 2013, c. 381, Pt. B, §8 (NEW) .]

**79. Taxicab.** "Taxicab" means a sedan, station wagon or minivan used for hire, with a driver, that has a seating capacity of fewer than 5 persons behind the driver.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**80. Team.**

[ 2013, c. 112, §3 (RP) .]

**81. Tow dolly.** "Tow dolly" means a device towed by a motor vehicle and designed and used exclusively to transport another motor vehicle and on which the front or rear wheels of the towed motor vehicle are mounted, while the other wheels of the towed motor vehicle remain in contact with the ground.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**82. Tractor.** "Tractor" means a motor vehicle used primarily off the highway for farming, forestry or other similar types of activities.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**83. Traffic.** "Traffic" means pedestrians, ridden or herded animals, vehicles, bicycles and other conveyances either singly or together using public way for travel.

[ 2013, c. 241, §1 (AMD) .]

**84. Traffic control device.** "Traffic control device" means a sign, a signal, a marking or a device placed or erected by a public body or official to regulate, warn or guide traffic.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**85. Traffic infraction.** "Traffic infraction" means any violation of any provision of this Title, or of any rules established under this Title, not expressly defined as a crime or as a civil violation and otherwise not punishable by incarceration.

The term "traffic infraction" as used in any public or private law of this State or in any rule adopted pursuant to any law of this State has this same meaning and effect.

[ 2013, c. 482, §1 (AMD) .]

**86. Trailer.** "Trailer" means a vehicle without motive power, designed to carry persons or property and to be drawn by a motor vehicle, not operated on railroad tracks, and so constructed that no part of its weight rests upon the towing vehicle. "Trailer" does not include tow dollies.

[ 2013, c. 112, §4 (AMD) .]

**86-A. Tri-axle semitrailer.** "Tri-axle semitrailer" means a semitrailer that contains one tri-axle unit.

[ 2003, c. 166, §9 (NEW) .]

**86-B. Tri-axle unit.** "Tri-axle unit" means 3 axles more than 8 feet and less than 12 feet apart, as measured between the centers of the first and 3rd axles. If the axle center of a single-axle unit is closer than 10 feet, or 9 feet in the case of a steering axle, to the axle center of the nearest axle of a tri-axle unit, the 4 axles are a tri-axle unit.

[ 2003, c. 166, §9 (NEW) .]

**87. Trolley trailer.** "Trolley trailer" means a trailer equipped with permanent seats that face forward, are parallel to each other and have devices at each end to prevent a passenger from falling from the trailer when it is in motion. A trolley trailer has a maximum seating capacity of 24 passengers.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**88. Truck.** "Truck" means a motor vehicle designed and used primarily to carry property. A truck may be used to tow trailers or semitrailers.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**89. Truck camper.** "Truck camper" means a slide-in camper designed to be mounted on a truck body to provide temporary living quarters for recreational, camping, travel or other use.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**90. Truck tractor.** "Truck tractor" means a motor vehicle designed and used exclusively to draw other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and the load drawn.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**91. Vehicle.** "Vehicle" means a device for conveyance of persons or property on a way. "Vehicle" does not include conveyances propelled or drawn by human power or used exclusively on railroad tracks or snowmobiles as defined in Title 12, section 13001 or an electric personal assistive mobility device.

[ 2013, c. 112, §5 (AMD) . ]

**91-A. Vulnerable user.** "Vulnerable user" means a person on a public way who is more vulnerable to injury than a person in an automobile, truck or other similar motor vehicle and includes, but is not limited to:

A. A pedestrian, including a person on or within a public way engaged in work or the provision of emergency or roadside assistance; [ 2015, c. 164, §1 (NEW) . ]

B. A person riding, guiding or leading an animal upon or within a public way; [ 2015, c. 164, §1 (NEW) . ]

C. A person being guided by a service animal upon or within a public way; or [ 2015, c. 164, §1 (NEW) . ]

D. A person lawfully on or within a public way, crosswalk or shoulder portion of the public way who is lawfully operating, riding, using, holding or otherwise on or in any of the following devices:

- (1) A bicycle, or a device that is an extension of a bicycle such as an extend-a-bike, a bicycle trailer or a child's bicycle seat;
- (2) A motorized bicycle or tricycle, including an electric-assisted bicycle;
- (3) A farm tractor or similar vehicle designed primarily for farm use;
- (4) A skateboard;
- (5) Roller skates;
- (6) In-line skates;
- (7) A scooter;
- (8) A moped;
- (9) A horse-drawn carriage;
- (10) An electric personal assistive mobility device;
- (11) A wheelchair;
- (12) A Segway; or
- (13) Roller skis. [ 2015, c. 164, §1 (NEW) . ]

[ 2015, c. 164, §1 (NEW) . ]

**92. Way.** "Way" means the entire width between boundary lines of a road, highway, parkway, street or bridge used for vehicular traffic, whether public or private.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**93. Wrecker.** "Wrecker" means a motor vehicle with hoisting apparatus and special equipment designed and used for towing or carrying wrecked or disabled vehicles or freeing vehicles stalled or stuck in snow, mud or sand. "Wrecker" does not include a vehicle designed to carry or tow more than one vehicle on its own body.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 454, §1 (AMD). 1995, c. 482, §A1 (AMD). 1995, c. 584, §B1 (AMD). 1995, c. 645, §B4 (AMD). 1995, c. 645, §B24 (AFF). 1997, c. 526, §14 (AMD). 1997, c. 653, §§2-4 (AMD). 1997, c. 776, §2 (AMD). 1999, c. 170, §1 (AMD). 1999, c. 660, §1 (AMD). 1999, c. 674, §1 (AMD). 2001, c. 145, §§1,2 (AMD). 2001, c. 148, §1 (AMD). 2001, c. 197, §§1-3 (AMD). 2001, c. 225, §1 (AMD). 2001, c. 360, §1 (AMD). 2001, c. 361, §§1,2 (AMD). 2001, c. 486, §1 (AMD). 2001, c. 667, §§A45,46 (AMD). 2001, c. 687, §§3-12 (AMD). 2003, c. 92, §1 (AMD). 2003, c. 166, §§2-9 (AMD). 2003, c. 397, §1 (AMD). 2003, c. 414, §§B40-44 (AMD). 2003, c. 414, §D7 (AFF). 2003, c. 434, §§2,3 (AMD). 2003, c. 434, §37 (AFF). 2003, c. 510, §A24 (AMD). 2003, c. 614, §9 (AFF). 2003, c. 688, §B8 (AMD). 2003, c. 688, §B9 (AFF). 2005, c. 276, §1 (AMD). 2005, c. 314, §§1-3 (AMD). 2005, c. 321, §1 (AMD). 2005, c. 321, §6 (AFF). 2005, c. 433, §§2,3 (AMD). 2005, c. 433, §28 (AFF). 2005, c. 577, §§1-7 (AMD). 2005, c. 678, §§4,5 (AMD). 2005, c. 678, §13 (AFF). 2007, c. 306, §§5, 6 (AMD). 2007, c. 383, §2 (AMD). 2009, c. 3, §§1, 2 (AMD). 2009, c. 42, §1 (AMD). 2009, c. 55, §1 (AMD). 2009, c. 315, §§3, 4 (AMD). 2009, c. 484, §1 (AMD). 2011, c. 139, §1 (AMD). 2011, c. 356, §2 (AMD). 2011, c. 556, §1 (AMD). 2013, c. 84, §1 (AMD). 2013, c. 112, §§2-5 (AMD). 2013, c. 241, §1 (AMD). 2013, c. 381, Pt. B, §§3-8 (AMD). 2013, c. 482, §1 (AMD). 2013, c. 496, §1 (AMD). 2015, c. 164, §1 (AMD). 2015, c. 206, §1 (AMD). 2015, c. 473, §2 (AMD).

## §102. PUBLIC WAY USE AUTHORIZED

Any vehicle may be operated on a public way unless prohibited or restricted by this Title, by special law or municipal ordinance, or by rule of the department. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### 1. Operation of low-speed vehicles; beginning June 1, 2003.

[ 2003, c. 397, §2 (NEW); T. 29-A, §102, sub-§1 (RP) .]

**2. Operation of low-speed vehicles; beginning September 1, 2003.** The registration and operation of low-speed vehicles in accordance with section 501, subsection 11 and section 2089 are authorized beginning September 1, 2003. A municipality may prohibit the use of low-speed vehicles by municipal ordinance or restrict the use of low-speed vehicles in accordance with section 2089 subsection 2.

[ 2003, c. 397, §2 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 397, §2 (AMD).

## §103. TRAFFIC INFRACTION

**1. Traffic infraction.** A traffic infraction is not a crime. The penalty for a traffic infraction may not be deemed for any purpose a penal or criminal punishment.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Jury trial.** There is no right to trial by jury for a traffic infraction.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Exclusive penalty.** The exclusive penalty for a traffic infraction is a fine of not less than \$25 nor more than \$500, unless specifically authorized, or suspension of a license, or both.

[ 1995, c. 584, Pt. B, §2 (AMD) .]

**4. Standard of proof.** The burden of proof that a traffic infraction has occurred is on the State and must be established by a standard of a preponderance of the evidence.

[ 2011, c. 156, §1 (NEW) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 584, §B2 (AMD). 2011, c. 156, §1 (AMD).

## §104. PENALTY FOR VIOLATION OF PROVISIONS OF TITLE

Except as otherwise provided, a person who violates a provision of this Title commits a traffic infraction. When a violation of this Title has a designated minimum sentence, the court may not suspend the sentence.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §105. ENFORCEMENT

**1. Authority to stop motor vehicle.** If a law enforcement officer has reasonable and articulable suspicion to believe that a violation of law has taken or is taking place, that officer, if the officer is in uniform, may stop a motor vehicle for the purpose of:

A. Arresting the operator for a criminal violation; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Issuing the appropriate written process for a criminal or civil violation or a traffic infraction; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Questioning the operator or occupants. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1995, c. 368, Pt. AAA, §1 (AMD) .]

**2. Scope of inspection.** A law enforcement officer who has stopped a motor vehicle pursuant to subsection 1 may demand and inspect the driver's license, certificate of registration, permits and the identification numbers of the motor vehicle. A state police officer who is trained pursuant to the motor carrier safety rules of the motor carrier safety regulations of the United States Department of Transportation may demand and inspect the driver's record of duty status and medical examiner's certificate, if applicable.

[ 2001, c. 360, §2 (AMD) .]

**3. Impoundment.** When a motor vehicle is operated by a person not able to produce a certificate of registration, or by a person other than the person in whose name the vehicle is registered and the operator is unable to present reasonable evidence of authority to operate that vehicle, an officer may impound and hold that vehicle until that vehicle is claimed by the registered owner or until the registered owner verifies the authority of the operator. The registered owner must be notified immediately of the impoundment.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Violation.** A person is guilty of a Class E crime if a law enforcement officer has probable cause to believe the person violated or is violating this Title and the person intentionally fails or refuses upon request to give the person's correct name, address or date of birth to a law enforcement officer.

[ 2003, c. 657, §12 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 368, §AAA1 (AMD). 1997, c. 437, §4 (AMD). 1997, c. 653, §5 (AMD). 2001, c. 360, §2 (AMD). 2003, c. 657, §12 (AMD).

## §106. ENFORCEMENT OF LAWS PERTAINING TO DEALERS, TRANSPORTERS AND AUTOMOBILE GRAVEYARDS

All state, county and local law enforcement officers and all investigators appointed by the Secretary of State pursuant to section 152, subsection 2 shall expeditiously enforce the provisions of chapter 9; section 1612; Title 10, chapter 217; and Title 30-A, chapter 183, subchapter I as it relates to automobile graveyards. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §107. OFFICERS AUTHORIZED TO SERVE PROCESS OR NOTICE

A person authorized to serve civil process may serve a process or notice required by this Title. [1995, c. 2, §70 (COR) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). RR 1995, c. 2, §70 (COR) .

## §108. SERVICE OF PROCESS ON NONRESIDENTS

**1. Acceptance of jurisdiction.** The acceptance by a nonresident of the rights and privileges conferred by this Title as evidenced by the nonresident's or the nonresident's agent's operation of a motor vehicle on a public way in this State or of aircraft in this State is:

A. An appointment of the Secretary of State to be the nonresident's true and lawful attorney on whom may be served a process in an action or proceeding against that nonresident, growing out of an accident or collision in which that person may be involved during that operation; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Evidence of agreement that the process against the nonresident that is so served is of the same legal force and validity as if served on the nonresident personally. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Method of service.** Service must be made by leaving a copy of the process with a fee of \$2 in the office of the Secretary of State. This service is sufficient if:

A. Notice of the service and a copy of the process are personally served on the defendant and the return showing that service is filed with the clerk of the court where the action is pending; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Notice of the service and a copy of the process are sent by registered mail to the defendant and the defendant's receipt for the registered mail and the plaintiff's affidavit of compliance are filed with the clerk of the court in which the action is pending. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Deceased defendant.** If the defendant is deceased, service may be made in the same manner on a personal representative or, if there is no personal representative, on the public administrator in the county in which the action is pending. Notwithstanding other requirements for probate, when service is made on the public administrator, the administrator shall petition the Probate Court for probate of the defendant's estate.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Continuances.** The court may order a continuance if necessary to afford the defendant or a personal representative reasonable opportunity to defend the action.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Plaintiff's bond.** The plaintiff shall file with the return of service a bond to the defendant, with 2 or more sureties approved by the judge or clerk of the court, or with a surety company authorized to do business in this State, as surety in the sum of \$100, conditioned that, if judgment is rendered against the plaintiff, as much of the penalty of the bond required to satisfy a judgment for costs awarded must be applied to the judgment. The attorney for the plaintiff is liable to the defendant for costs in the action for an amount not exceeding \$50 until the bond is filed.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Fee taxed in costs to prevailing plaintiff.** The fee of \$2, paid by the plaintiff to the Secretary of State, is taxed in the plaintiff's costs, if the plaintiff prevails in the action.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Record of service.** The Secretary of State shall keep a record of the day and the hour of service.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Application to a resident who becomes a nonresident.** This section applies to a resident who becomes a nonresident prior to the time that an action or proceeding has been brought.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §109. RECIPROCITY

**1. Provisions not applicable to nonresidents.** The provisions of this Title on registration of vehicles and operator's licenses do not apply to:

A. A nonresident owner or operator, if that person has complied with the provisions of the laws on registration and licensing of the jurisdiction of residence; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A nonresident student enrolled in a university, college or school within this State as long as that student possesses a valid registration and license issued by the jurisdiction of legal residence. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

The exemptions from registration of this subsection apply only to the noncommercial use and operation of vehicles in this State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Formal agreements.** The Secretary of State, after determining that like privileges are granted by a jurisdiction of the United States or province, shall enter into a written agreement with that jurisdiction of the United States or province setting forth the conditions under which residents of that jurisdiction engaged in interstate commerce operations in and through this State are exempt from the registration and licensing laws of this State.

[ 1995, c. 65, Pt. A, §83 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

**3. Limitation.** A vehicle may not be operated commercially at a site within this State or used for the transportation of persons, merchandise or materials from one point in this State to another point in this State unless registered in this State or exempt from registration by a written reciprocity agreement as provided in this section, except that a nonresident-owned semitrailer drawn by a truck tractor registered in this State is permitted to transport merchandise in intrastate commerce.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Weight.** Nothing in this Title permits operation on a public way of a vehicle not registered in this State with weight that exceeds or equipment that does not meet that required of similar resident vehicles.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Violation.** A violation of this section is a Class E crime.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A83 (AMD). 1995, c. 65, §§A153,C15 (AFF).



## **§110. APPLICATION FOR LICENSE AND REGISTRATION BY PERSON ESTABLISHING RESIDENCY**

**(REPEALED)**

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 584, §B3 (RP).

## **§111. HEARINGS; FEES OF WITNESSES; SUMMARY PROCESS**

In the administration of the laws relative to vehicles and to the operators and the operation thereof, the Secretary of State or a deputy may conduct hearings, subpoena witnesses, administer oaths, take testimony and order the production of books and papers, and for the purposes mentioned in this Title may issue all processes necessary for the performance of the Secretary of State's duties. The fees for travel and attendance of witnesses are the same as for witnesses before the Superior Court and must be paid by the State out of vehicle registration fees upon certificates of the Secretary of State filed with the State Controller. The Superior Court, on the petition of the Secretary of State, may issue summary process to enforce the lawful orders of the Secretary of State in any matter. Hearings conducted by the Secretary of State must be as provided by Title 5, chapter 375, subchapter IV. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## **§112. NOTICE OF HEARING**

Notice of any hearing held by the Secretary of State or by the Secretary of State's authority under this Title must be consistent with Title 5, section 9052 and notify the licensee or registrant that the licensee or registrant may then and there appear, in person or through counsel, to show cause why that license or certificate of registration should not be suspended or revoked. Service of that notice is sufficient if sent by regular mail to the address given by the licensee or registrant at least 10 days before the date set for hearing. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## **§113. COMPUTER TRANSCRIPTS AS EVIDENCE**

**1. Transcript.** A properly certified transcript of entries of conviction, adjudication, suspension or revocation in official records stored within a computer or data processing device is admissible in evidence to show the truth of the facts stated in the transcript.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Certification.** A transcript may be certified by:

A. A clerk or deputy clerk of any judicial division of the District Court or the violations bureau for records from a judicial division or the violations bureau; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A clerk or deputy clerk of a Superior Court for Superior Court records; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The Secretary of State for any court's records received by the Secretary of State from a court, including records received by electronic means. [2001, c. 361, §3 (AMD).]

[ 2001, c. 361, §3 (AMD) .]

**3. Secretary of State's certification.** Notwithstanding any other law or rule of evidence, the certificate of the Secretary of State or a deputy, under seal of the State, must be received in a judicial or administrative proceeding as prima facie evidence of any fact stated in the certificate or documents attached to the certificate.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Records from other states.** A motor vehicle record bearing the seal of any state or of a department, officer or agency of any state that is admissible pursuant to the Maine Rules of Evidence, Rule 902 is prima facie evidence in any judicial or administrative proceeding of any fact stated in the motor vehicle record.

[ 1997, c. 776, §3 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 776, §3 (AMD). 2001, c. 361, §3 (AMD).

## §114. BUSINESS AND OCCUPATIONAL LICENSES

The provisions of Title 5, chapter 341 do not apply to business and occupational licenses authorized to be issued by the Secretary of State. [1999, c. 470, §3 (NEW).]

#### SECTION HISTORY

1999, c. 470, §3 (NEW).

## §115. JUVENILE VIOLATIONS

Notwithstanding other provisions of law, a person who has not attained 18 years of age and who is convicted of a crime for a violation of a provision of this Title that is not defined as a juvenile crime under Title 15, section 3103, subsection 1 may not be sentenced to imprisonment but may be ordered to serve a period of confinement in a Department of Corrections juvenile correctional facility that may not exceed 30 days, which may be suspended in whole or in part, if the court determines that: [2005, c. 507, §17 (AMD) .]

**1. Crime.** The crime is one that, if committed by a person who has attained 18 years of age, would carry a mandatory term of imprisonment that may not be suspended;

[ 2005, c. 328, §15 (NEW) .]

**2. Nature.** The aggravated nature and seriousness of the crime warrants a period of confinement; or

[ 2005, c. 507, §17 (AMD) .]

**3. History.** The record or previous history of the defendant warrants a period of confinement.

[ 2005, c. 507, §17 (AMD) .]

The court is not required to impose a period of confinement notwithstanding that there is a mandatory term of imprisonment applicable to a person who has attained 18 years of age. [2005, c. 507, §17 (AMD) .]

Any period of confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date. Any period of confinement is subject to Title 17-A, section 1253, subsection 2, except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but not to Title 17-A, section 1253, subsection 2, paragraph A, or subsection 3-B, 4, 5, 8, 9 or 10. If the court suspends the period of confinement in whole or in part, the court shall impose a period of administrative release not to exceed one year. The administrative release must be administered pursuant to Title 17-A, chapter 54-G, and revocation of the administrative release is governed by the provisions of that chapter. [ 2005, c. 507, §17 (AMD). ]

#### SECTION HISTORY

2003, c. 410, §8 (NEW). 2005, c. 328, §15 (AMD). 2005, c. 507, §17 (AMD).

## Chapter 3: SECRETARY OF STATE

### Subchapter 1: ADMINISTRATION

#### §151. DUTIES OF SECRETARY OF STATE

The Secretary of State shall: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Forms; certificates; notices.** Except as otherwise prescribed in this Title, prescribe and provide suitable forms of applications, certificates of title, notices of security interests and all other notices and forms necessary to carry out the provisions of this Title;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Maintain offices.** Maintain offices at convenient places to carry out duties related to applications for registration of and licenses for the operation of motor vehicles; and

[ 2005, c. 573, §1 (AMD) .]

**3. Publish abstract of laws.** Publish an abstract of statutes pertaining to vehicles and rules made by the Secretary of State and the Department of Transportation pertaining to this Title, together with other information related to public safety and regulation of traffic.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2005, c. 573, §1 (AMD) .

#### §152. POWERS OF SECRETARY OF STATE

The Secretary of State may: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Investigation for information.** Make necessary investigations for information required to carry out the provisions of this Title, including, but not limited to, review of records and investigations in the field;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Deputize agents, examiners and investigators.** Appoint and deputize agents, examiners and motor vehicle investigators, stationed at convenient places, to receive applications for registration and licenses for the operation of vehicles, to conduct examinations and to perform assigned duties.

A motor vehicle investigator has the powers and duty to enforce all provisions of this Title and Title 17-A and all the laws of the State with the same powers that a sheriff has in a county. A motor vehicle investigator is at all times subject to all other investigatory duties assigned by the Secretary of State.

[ 2007, c. 12, §1 (AMD) .]

**3. Central computer system.** Notwithstanding any other provisions of law, purchase and maintain a central computer system for purposes of administering this Title and conducting departmental operations. All other uses must be approved by the Secretary of State. The Secretary of State shall adopt rules regarding the maintenance and use of data processing information files required to be kept confidential and shall distinguish those files from files available to the public;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Facsimile signature of Secretary of State.** Use a facsimile signature, which has the same validity as the Secretary of State's written signature and is admissible in court;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Assign new identification number.** Assign a new identification number to a vehicle if it has none, or if the vehicle's identification number is destroyed or obliterated, or if the frame, chassis or, if the vehicle is a truck, the cab is changed, or if the vehicle is a reconstructed motorcycle, and shall issue a new certificate of title showing the new identification number upon surrender of the old certificate and completion of an application for title and payment of the fee; and

[ 1997, c. 776, §5 (AMD) .]

**6. Other data.** Require data necessary on forms, applications, certificates, licenses or other documents.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 776, §§4,5 (AMD). 2001, c. 361, §4 (AMD). 2007, c. 12, §1 (AMD).

## §153. RULES

The Secretary of State may adopt, amend or repeal rules necessary to administer this Title, as provided in the Maine Administrative Procedure Act. Unless defined otherwise, rules adopted pursuant to this Title are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. [1997, c. 437, §5 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 437, §5 (AMD) .

## §154. COLLECTION OF FEES; REPORT

**1. Collection of fees.** The Secretary of State shall collect all fees required for registering vehicles and licensing operators and all permit fees and transmit these fees to the Treasurer of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Report.** The Secretary of State, as required by the Governor, shall make a report of the fees received for vehicle registrations and issuances of licenses and from other sources, with appropriate recommendations.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Collection costs.** Whenever the payment of a fee results in a protest or is returned by the bank upon which it was drawn because of insufficient funds, closed account, no account or a similar reason, the Secretary of State shall charge a service collection fee of \$2 plus the cost of collection.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Recovery of fees or use taxes.** Whenever the payment of a fee or use tax required to be collected by the Secretary of State results in a protest or is returned by the bank upon which it was drawn because of insufficient funds, closed account, no account or a similar reason, the Secretary of State may mail a notice of dishonor, as defined in Title 11, section 3-1503, to the person liable, demanding payment and warning the person that if the amount due is not paid within 10 days after the mailing of the notice, suspension of the person's license and registration will result. If the person fails to pay the required amount within 10 days after the mailing of the notice, the Secretary of State may suspend all licenses, permits, certificates and registrations of the person liable for the fee, fees or tax.

[ 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §1 (AMD); 1995, c. 65, Pt. C, §15 (AFF) .]

**5. Recovery of tax on vehicles.** Upon receipt of notification of the State Tax Assessor under Title 36, sections 1955-A or 1955-B, the Secretary of State shall mail a notice to the person liable for the tax, warning that if the amount of tax due is not paid within 10 days after the mailing of the notice, suspension of the registration issued for the vehicle in question will result. If the person fails to pay the required amount within 10 days after the mailing of the notice, the Secretary of State shall suspend the registration issued for the vehicle on which the tax remains unpaid.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Recovery of turnpike tolls.** Upon receipt of notice from the Maine Turnpike Authority in accordance with Title 23, section 1980, subsection 2-A, paragraph G, the Secretary of State shall suspend the registration certificate and plates issued for the vehicle in question. If the motor vehicle is registered in another jurisdiction, the Secretary of State shall suspend the owner's right to operate the motor vehicle in this State in accordance with section 2461. The Secretary of State shall mail a notice of suspension to the registered owner at the last name and address on record with the Secretary of State, which may include an address obtained by reasonable means under Title 23, section 1980, subsection 2-A, paragraph C. The suspension takes effect on the date specified in the notice, which may not be less than 10 days after the mailing of the notification. The Secretary of State may not reinstate the registration certificate and plates or restore the owner's right to operate the motor vehicle in the State until the Maine Turnpike Authority notifies the Secretary of State that the toll and applicable fees and penalties have been paid. Notwithstanding any other provision of law, Title 5, section 9052, subsection 1 does not apply to a notice of suspension issued pursuant to this subsection.

[ 2015, c. 159, §3 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §§A84,C1 (AMD). 1995, c. 65, §§A153,C15 (AFF). 2003, c. 591, §4 (AMD). 2015, c. 159, §3 (AMD).

## §154-A. SUSPENSION FOR FAILURE TO PAY REQUIRED FEES OR TAXES

When a fee or use tax required to be collected by the Secretary of State is not paid when due, the Secretary of State may notify the person liable for the fee or tax in writing that, if the amount due is not paid within 10 days after the mailing of the notice, suspension of the person's license and registration will result.

If the person fails to pay the required amount within 10 days after the mailing of the notice, the Secretary of State may suspend all licenses, permits, certificates and registrations of the person liable for the fee or tax. [2001, c. 671, §1 (NEW).]

#### SECTION HISTORY

2001, c. 671, §1 (NEW).

### **§155. RECIPROCAL TAXES OR FEES**

*(REPEALED)*

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 65, §B1 (RP).

### **§156. RECIPROCAL AGREEMENTS WITH NEW HAMPSHIRE**

Notwithstanding any law to the contrary, the Secretary of State may make agreements with the duly authorized representatives of the State of New Hampshire to provide that buses, taxicabs, trucks, truck tractors, trailers, semitrailers or double-bottoms owned by residents of that state and legally registered in that state may be operated in this State, including for purposes of intrastate commerce, within a zone not to exceed 10 miles from the border with that state. The agreements must provide that a resident of this State, when using the public ways of that adjoining state, is entitled to receive substantially equivalent benefits and privileges. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

### **§157. RECIPROCAL AND APPORTIONED REGISTRATIONS; INTERNATIONAL REGISTRATION PLAN**

Notwithstanding this Title, the Secretary of State, in concurrence with the Commissioner of Transportation, may enter into reciprocal agreements or plans with another jurisdiction providing for the registration of vehicles on an apportionment or allocation basis. In the exercise of this authority, the Secretary of State may enter into and become a member of the International Registration Plan. Registration of vehicles under the plan must be in accordance with chapter 5, subchapter I, article 5. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

### **§158. ASSET FORFEITURE**

Funds or assets forfeited pursuant to Title 15, chapter 517 may be awarded to the bureau. Funds or assets received in accordance with this section must be used for law enforcement training or for law enforcement equipment. [1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §2 (NEW); 1995, c. 65, Pt. C, §15 (AFF).]

#### SECTION HISTORY

1995, c. 65, §B2 (NEW). 1995, c. 65, §§A153,C15 (AFF).

## **Subchapter 2: MUNICIPAL AGENTS, RENEWAL AGENTS AND REGISTRATION AGENTS**

## §201. MUNICIPAL OFFICIALS AS AGENTS

**1. Appointment of agents by Secretary of State; scope of authority.** With the approval of the municipal officers, the Secretary of State may appoint a municipal tax collector, or other persons designated by a municipality, to collect excise taxes on vehicles and to receive applications for licenses, license renewals, registrations and renewals of registrations of motor vehicles, trailers and semitrailers. The Secretary of State may authorize a municipal agent to issue licenses, registrations and renewals of licenses and registrations or may limit the agent's authority to the issuance of renewals only.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Issuance of registrations or renewals.** An agent appointed in accordance with subsection 1 may:

A. Issue renewals of registration for school buses operated by school administrative units or private contractors; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. Issue registration renewals for all motor vehicles and trailers, except for those required to be registered directly through the Bureau of Motor Vehicles as designated by the Secretary of State; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

C. If authorized to issue registrations and renewals of registrations, issue:

(1) Registrations for pickup trucks registered for 10,000 pounds or less gross vehicular weight, automobiles, trailers, semitrailers and farm tractors; and

(2) Registrations for trucks of greater gross weight than provided in subparagraph (1), after the agent has satisfactorily participated in special training as prescribed by the Secretary of State.

[2015, c. 473, §3 (AMD) .]

[ 2015, c. 473, §3 (AMD) .]

**3. Service fees.** Municipal agents appointed in accordance with subsection 1 may charge service fees for licenses, registrations and renewals of licenses and registrations as follows.

A. A municipal agent may charge an applicant a fee not to exceed \$3 over the required fee for each renewal of license or registration issued and a fee not to exceed \$4 over the required fee for each new license or registration issued. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. In a municipality in which agents are authorized to issue licenses, registrations or renewals of licenses or registrations for applicants from another municipality or from an unorganized territory, the agent may charge those applicants \$1 in addition to the fees authorized by this subsection for each license, registration or renewal. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

C. A municipal agent authorized to issue temporary registration permits may charge an applicant a fee not to exceed \$1 over the required permit fee. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

D. A municipal agent authorized to process permits and decals for vehicles with gross vehicle weight in excess of 6,000 may charge a fee not to exceed \$1 over the required fee for each permit or decal issued. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

E. A municipal agent may charge a fee not to exceed \$1 over the required fee for the issuance of a duplicate registration. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]



F. A municipal agent may charge any applicant a fee not to exceed \$2 over and above the required operator's license fee for each renewal issued. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

G. A municipal agent may charge an applicant a fee not to exceed \$1 over the required fee when an applicant is requesting issuance of a set of plates designated as specialty plates by the Secretary of State to replace previously issued plates. [1995, c. 482, Pt. B, §1 (NEW).]

H. The Secretary of State may authorize municipal agents to charge a fee not to exceed \$1 over the required fee for other transactions that the municipal agent carries out on behalf of the Secretary of State and that are not listed in this subsection. [2005, c. 573, §2 (NEW).]

The municipality may retain all service fees authorized in this subsection.

[ 2005, c. 573, §2 (AMD) .]

**4. Training.** The Secretary of State shall provide necessary training for municipal agents. A municipal agent may not be appointed for specific duties unless the agent has successfully completed the appropriate training program.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Duration of appointment; revocation of appointment.** Unless revoked, the appointment of an agent continues as long as the agent holds that office or employment. An appointment may be revoked:

A. If the municipal officers that approved the appointment request that it be revoked; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. For cause by the Secretary of State. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §B1 (AMD). 1997, c. 776, §6 (AMD). 2005, c. 573, §2 (AMD). 2015, c. 473, §3 (AMD).

## **§202. APPOINTMENT OF AGENTS FOR THE ISSUANCE OF NONCOMMERCIAL DRIVER'S LICENSE RENEWALS, DUPLICATES OF NONCOMMERCIAL DRIVER'S LICENSE RENEWALS AND NONDRIVER IDENTIFICATION CARD RENEWALS**

The Secretary of State may appoint agents authorized to issue noncommercial driver's license renewals, duplicates of noncommercial driver's license renewals and nondriver identification card renewals who are stationed at convenient locations in the State. Agents may charge an applicant a fee over the required fees for each renewal or duplicate issued. The agent retains the additional fee and forwards all other fees to the Secretary of State. The Secretary of State shall determine by rule the fee to be charged by an agent under this section. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2011, c. 556, §2 (AMD).]

Agents appointed pursuant to this section are not authorized to issue registrations, initial noncommercial driver's licenses or initial nondriver identification cards. [2011, c. 556, §2 (AMD).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2001, c. 671, §2 (AMD). 2011, c. 556, §2 (AMD).

**§203. DISPOSAL OF FEES; CERTAIN TOWNS****(REPEALED)**

## SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2011, c. 392, Pt. I, §1 (RP).

**§203-A. SHIPPING HIGHWAY CONSTRUCTION AND MAINTENANCE MATERIALS TO ISLE AU HAUT; COSTS PAID FROM HIGHWAY FUND**

The costs of transporting highway construction and maintenance materials to Isle au Haut by boat must be paid from the Highway Fund in the amount of \$50,000 in fiscal year 1999-00 and \$10,000 in each fiscal year thereafter. [1999, c. 524, §1 (NEW).]

## SECTION HISTORY

1999, c. 524, §1 (NEW).

**§204. REGISTRATION AGENTS**

**1. Appointment; scope of authority.** The Secretary of State may appoint registration agents to issue original registrations, to renew registrations and to transfer registrations from one vehicle to another. The Secretary of State may limit the agent's authority to the issuance of renewals or to the issuance of renewals and transfers only. A registration agent may issue, renew or transfer a registration only when one of the following conditions is met:

A. The registration does not require payment of excise tax; or [1995, c. 645, Pt. B, §5 (NEW); 1995, c. 645, Pt. B, §24 (AFF).]

B. Excise tax has been paid in accordance with Title 36, chapter 111. [1995, c. 645, Pt. B, §5 (NEW); 1995, c. 645, Pt. B, §24 (AFF).]

[ 1995, c. 645, Pt. B, §5 (NEW); 1995, c. 645, Pt. B, §24 (AFF) .]

**2. Training.** The Secretary of State shall provide necessary training for registration agents. A registration agent appointed pursuant to this section shall complete a training program or programs required by the Secretary of State.

[ 1995, c. 645, Pt. B, §5 (NEW); 1995, c. 645, Pt. B, §24 (AFF) .]

**3. Duration of appointment.** An appointment for a registration agent remains in effect until revoked by the Secretary of State or voluntarily surrendered. An appointment may be revoked by the Secretary of State for cause.

[ 1995, c. 645, Pt. B, §5 (NEW); 1995, c. 645, Pt. B, §24 (AFF) .]

**4. Rules.** The Secretary of State may adopt rules to implement the provisions of this section. The rules may include limits on agent fees, requirements for training of registration agents, accounting standards and inventory control processes and requirements for the electronic collection and transmission of data and funds between registrants, registration agents and the bureau. By rule, the Secretary of State may also designate specific registration requirements that can not be met by filing electronically with an agent. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[ 1999, c. 680, §1 (AMD) .]

## SECTION HISTORY

1995, c. 645, §B5 (NEW). 1995, c. 645, §B24 (AFF). 1999, c. 680, §1 (AMD).

### Subchapter 3: RECORDS

## §251. RECORDS AND DATABASES RELATED TO DRIVER'S LICENSES AND MOTOR VEHICLES

**1. Records required to be kept.** The Secretary of State shall keep a record of applications for driver's licenses, motor vehicle registrations and certificates of title and of issued driver's licenses, learner's permits, motor vehicle registrations and certificates of title.

[ 2013, c. 381, Pt. B, §9 (AMD) .]

**2. Public access to records.** Records of the Secretary of State pertaining to the applications, registrations and certifications of vehicles and to driver's licenses must be open to public inspection during office hours. The Secretary of State shall provide a copy of a record pertaining to the applications, registrations and certifications of vehicles or to driver's licenses for a fee of \$5 each.

[ 2003, c. 434, §4 (AMD); 2003, c. 434, §37 (AFF) .]

**2-A. Databases.** The Secretary of State may provide databases of records pertaining to applications, registrations and certifications of vehicles and to driver's licenses to individuals, businesses and other entities. The Secretary of State shall adopt rules to establish a fee schedule and governing procedures.

[ 2003, c. 434, §4 (NEW); 2003, c. 434, §37 (AFF) .]

**3. Complaints confidential.** Written complaints and certain control numbers used in the titling of motor vehicles may be kept confidential.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Confidentiality of e-mail addresses.** If a person submits an e-mail address as part of the application process for a license or registration under this Title, the e-mail address is confidential and may not be disclosed to anyone outside the Department of the Secretary of State except for law enforcement officers or for purposes of court proceedings.

[ 2013, c. 283, §1 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 434, §4 (AMD). 2003, c. 434, §37 (AFF). 2013, c. 283, §1 (AMD). 2013, c. 381, Pt. B, §9 (AMD).

## §252. DRIVER HISTORY RECORDS AND DATABASES

**1. Reports furnished.** The Secretary of State shall provide a copy of a record pertaining to convictions, adjudications, accidents, suspensions and revocations of a driver's license for a fee of \$5 each for a driving record covering 3 years and \$10 each for a driving record covering more than 3 years. Certified copies are an additional \$1. A person receiving a report by electronic transmittal shall pay the fee associated with that transmittal. The Secretary of State shall adopt rules to establish a fee schedule and procedures governing electronic transmittal of a record.

[ 2005, c. 433, §4 (AMD); 2005, c. 433, §28 (AFF) .]

**1-A. Databases.** The Secretary of State may provide databases of records pertaining to convictions, adjudications, accidents, suspensions and revocations to individuals, businesses and other entities. The Secretary of State shall adopt rules to establish a fee schedule and governing procedures under this subsection.

[ 2003, c. 434, §5 (NEW); 2003, c. 434, §37 (AFF) .]

**2. Fee waived for official requests.** There is no fee for requests from other motor vehicle departments, state, county and federal agencies and law enforcement agencies.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A85 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 482, §A2 (AMD). 1995, c. 625, §A31 (AMD). 2003, c. 434, §5 (AMD). 2003, c. 434, §37 (AFF). 2005, c. 433, §4 (AMD). 2005, c. 433, §28 (AFF).

## §253. CONFIDENTIALITY OF NONGOVERNMENT VEHICLE RECORDS

Upon receiving a written request by an appropriate criminal justice official and showing cause that it is in the best interest of public safety, the Secretary of State may determine that records of a nongovernment vehicle may be held confidential for a specific period of time, which may not exceed the expiration of the current registration. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §254. RENTED VEHICLES; RECORDS

**1. Owner of vehicle to keep record.** A person engaged in the business of renting motor vehicles with or without a driver, other than as a transaction involving the sale of the vehicle, shall maintain a record of the identity of the person to whom the vehicle is rented, including a record of the driver's license of the person to whom the vehicle is rented and the exact time the vehicle is subject to that rental or in the person's possession. A person who violates this subsection commits a Class E crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[ 2003, c. 452, Pt. Q, §1 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Records open to inspection.** A person required to maintain records pursuant to subsection 1 shall allow inspection of those records by any law enforcement officer. A person who violates this subsection commits a Class E crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[ 2003, c. 452, Pt. Q, §1 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

### 3. Offense.

[ 2003, c. 452, Pt. Q, §1 (RP); 2003, c. 452, Pt. X, §2 (AFF) .]

**4. Form.** If the Secretary of State prescribes a form for the keeping of the record required in subsection 1, the owner shall use that form. The form must be carried in the vehicle during the period of lease or hire.

[ 2003, c. 452, Pt. Q, §1 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 452, §Q1 (AMD). 2003, c. 452, §X2 (AFF).

## §255. CONFIDENTIALITY FOR PUBLIC SAFETY

**1. Confidential records.** Notwithstanding any other provision of law, the Secretary of State or a designee of the Secretary of State may hold records relating to a person's motor vehicle registration and driver's license confidential for a specified period of time when the following conditions are met:

A. The Secretary of State has received a written request along with a copy of a protection order that has been issued under Title 5, section 4654 or 4655; Title 15, section 321; Title 19, section 765 or 766; or Title 22, chapter 1071 to protect the requestor from harassment or abuse; or [1995, c. 645, Pt. B, §6 (NEW); 1995, c. 645, Pt. B, §24 (AFF).]

B. The Secretary of State or a designee of the Secretary of State has:

(1) Received a written request showing cause that a person is in danger of serious bodily injury or death by another person and that the endangered person is relocating for the specific purpose of avoiding harm;

(2) Consulted with the Commissioner of Public Safety or a designee of the commissioner and the Attorney General or a designee of the Attorney General; and

(3) Determined that holding the endangered person's driver's license and motor vehicle registration records as confidential is in the best interest of public safety. [1995, c. 645, Pt. B, §6 (NEW); 1995, c. 645, Pt. B, §24 (AFF).]

[ 1995, c. 645, Pt. B, §6 (NEW); 1995, c. 645, Pt. B, §24 (AFF) .]

**2. Release of records.** The Secretary of State may release information held in confidence pursuant to subsection 1 to law enforcement officers, insurance companies and municipal, county, state or federal agencies that demonstrate a necessity for the information. The Secretary of State shall prescribe the conditions under which the information may be used and the person receiving the information may only use the information as prescribed.

[ 1995, c. 645, Pt. B, §6 (NEW); 1995, c. 645, Pt. B, §24 (AFF) .]

**3. Liability for release.** Neither failure of the Secretary of State or an employee of the Secretary of State to perform the requirements of this section nor compliance with it subjects the Secretary of State or employees of the Secretary of State to liability in a civil action.

[ 1995, c. 645, Pt. B, §6 (NEW); 1995, c. 645, Pt. B, §24 (AFF) .]

**4. Rules.** The Secretary of State may, in consultation with the Commissioner of Public Safety and the Attorney General, adopt rules necessary for the implementation of this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[ 1995, c. 645, Pt. B, §6 (NEW); 1995, c. 645, Pt. B, §24 (AFF) .]

#### SECTION HISTORY

1995, c. 645, §B6 (NEW). 1995, c. 645, §B24 (AFF).

**§256. FEDERAL DRIVER'S PRIVACY PROTECTION ACT OF 1994**

The Secretary of State shall comply with the provisions of Title 18, United States Code, Chapter 123 in disclosing records. [1995, c. 645, Pt. B, §6 (NEW); 1995, c. 645, Pt. B, §24 (AFF).]

## SECTION HISTORY

1995, c. 645, §B6 (NEW). 1995, c. 645, §B24 (AFF).

**§257. CONFIDENTIALITY OF TECHNOLOGY SYSTEM INFORMATION**

*(REPEALED)*

## SECTION HISTORY

2003, c. 434, §6 (NEW). 2003, c. 434, §37 (AFF). 2015, c. 250, Pt. C, §4 (RP).

## Chapter 5: VEHICLE REGISTRATION

### Subchapter 1: REGISTRATION

#### Article 1: GENERAL REGISTRATION REQUIREMENTS

##### §351. REGISTRATION REQUIRED

The owner of a vehicle that is operated or remains on a public way is responsible for registering the vehicle. [1999, c. 68, §1 (NEW).]

**1. Failure to register.** A person who operates a vehicle that is not registered in accordance with this Title, fails to register a vehicle or permits a vehicle that is not registered to remain on a public way commits:

A. A traffic infraction for which a fine of not more than \$50 may be adjudged if the vehicle was registered and the registration has been expired for more than 30 days but less than 150 days; or [2013, c. 112, §6 (AMD).]

B. A Class E crime if the vehicle was not registered or the registration has been expired for 150 days or more. [2001, c. 671, §3 (AMD).]

[ 2013, c. 112, §6 (AMD) .]

**1-A. Residents required to register.** An owner of a vehicle who becomes a resident of this State shall register that vehicle in this State within 30 days of establishing residency. A person who operates or allows a vehicle that is not registered in accordance with this subsection to remain on a public way commits:

A. A traffic infraction for which a fine of not more than \$50 may be adjudged if more than 30 days but less than 150 days has elapsed since establishing residency; or [2005, c. 433, §5 (NEW); 2005, c. 433, §28 (AFF).]

B. A Class E crime if more than 150 days have elapsed since establishing residency. [2005, c. 433, §5 (NEW); 2005, c. 433, §28 (AFF).]

[ 2005, c. 433, §5 (AMD); 2005, c. 433, §28 (AFF) .]

**2. Operating a vehicle with an expired registration.** The owner or operator of a vehicle stopped by a law enforcement officer and having a registration that has expired within the last 30 days must be issued a warning, rather than a summons, in a form designated by the Chief of the State Police. This warning must state that:

A. Within 2 business days, the owner or operator must register the vehicle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The renewed registration expires on the same month as the previous registration; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The registration fee is the same as for a full year's registration. [1999, c. 68, §1 (AMD).]

[ 1999, c. 68, §1 (AMD) .]

**3. Temporary permit to tow unregistered vehicle.** A law enforcement officer, an employee of a municipal police department designated by the chief, an employee of the sheriff's department designated by the sheriff, an employee of the State Police designated by the Chief of the State Police or an employee of the bureau designated by the Secretary of State may issue a permit in writing to allow:

A. An unregistered motor vehicle to be towed either by a regular service wrecker or by the use of a towbar or tow dolly; or [2001, c. 360, §3 (AMD).]

B. [1995, c. 247, §1 (RP).]

C. An unregistered trailer or semitrailer with a gross weight of 3,000 pounds or less to be towed, for one trip only, between the points of origin and destination. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

A permit issued under this subsection is valid for no more than 3 days, including the date of issuance.

[ 2001, c. 360, §3 (AMD) .]

**3-A. Permit to operate unregistered vehicle.** Upon stopping a vehicle with a registration that has been expired for more than 30 days, a law enforcement officer may issue a permit to the owner or operator of the vehicle to operate the vehicle to the owner's residence or to an office of the bureau for the sole purpose of renewal of the registration by the owner.

[ 1995, c. 247, §2 (NEW) .]

**4. Duplicate registration, notification of change in location or status.** Duplicate registrations are provided in accordance with section 1405. A person to whom a registration has been issued must notify the Secretary of State of a change in location or status in accordance with section 1407.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Expiration of 14-day temporary registration plate.** Notwithstanding the provisions of this section, a person who operates a vehicle with an expired temporary registration plate issued pursuant to section 462 commits:

A. A traffic infraction for which a forfeiture of not more than \$50 may be adjudged if the registration has been expired for less than 150 days; or [2001, c. 671, §4 (NEW).]

B. A Class E crime if the registration has been expired for 150 days or more. [2001, c. 671, §4 (NEW) .]

[ 2001, c. 671, §4 (AMD) .]

**6. Improper registration.** A traffic infraction for which a fine of not less than \$200 nor more than \$1,000 may be adjudged if the vehicle is not properly registered. For purposes of this subsection, "not properly registered" means the vehicle is either registered in a manner that is not reflective of its current actual use or as a type of vehicle that it is not as a matter of law, including, but not limited to, a motor vehicle registered as an antique auto when the vehicle is not an antique auto as defined in section 101, subsection 3.

[ 2013, c. 112, §7 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 247, §§1,2 (AMD). 1995, c. 454, §2 (AMD). 1995, c. 584, §B4 (AMD). 1999, c. 41, §1 (AMD). 1999, c. 68, §1 (AMD). 2001, c. 360, §3 (AMD). 2001, c. 361, §5 (AMD). 2001, c. 671, §§3,4 (AMD). 2005, c. 433, §5 (AMD). 2005, c. 433, §28 (AFF). 2013, c. 112, §§6, 7 (AMD).

## §352. MINORS

**1. Application for registration.** The Secretary of State may not approve the application of a minor for registration of a vehicle unless the minor is at least 15 years old and the application is signed by:

A. A parent or guardian who has the custody of the minor; [1995, c. 482, Pt. B, §2 (NEW) .]



B. If the minor has no parent or guardian, the minor's employer; or [1995, c. 482, Pt. B, §2 (NEW).]

C. If the minor is emancipated, the minor. In this case, the application must be accompanied by an attested copy of the court order of emancipation. [1995, c. 482, Pt. B, §2 (NEW).]

[1995, c. 482, Pt. B, §2 (RPR).]

**2. Suspension.** If a person who has signed the application files with the Secretary of State a notarized written request that the registration be suspended, the Secretary of State shall, pursuant to chapter 23, suspend the registration without hearing.

[1995, c. 482, Pt. B, §2 (RPR).]

### 3. Minor.

[1995, c. 482, Pt. B, §2 (RP).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §B2 (RPR).

## §353. MEMBERS OF ARMED FORCES

A registration issued by the Armed Forces of the United States in foreign countries for a vehicle owned by military personnel is valid for 45 days after the owner has returned to the United States. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §354. OFF-ROAD VEHICLES

Off-road vehicles may not be registered in accordance with this Title. [2005, c. 577, §8 (NEW).]

#### SECTION HISTORY

2005, c. 577, §8 (NEW).

## Article 2: CERTIFICATES OF REGISTRATION

## §401. APPLICATION

**1. Filing of application.** Application for vehicle registration may be made by mail or otherwise to the Secretary of State.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**2. Content of application.** An application must contain information requested by the Secretary of State, including legal name, residence and address of the registrant, current mileage of a motor vehicle, a brief description of the vehicle, the maker, the vehicle identification number, the year of manufacture, and the type of motor fuel or motive power and, for trucks, truck tractors and special mobile equipment, the gross weight. A registrant that is a corporation, trust, limited partnership or other similar entity must provide either a federal

taxpayer identification number or an identification number issued by the department. An initial application for registration must be signed by the registrant or the registrant's legal representative. The Secretary of State shall keep initial applications on file until that registration is terminated.

[ 2015, c. 473, §4 (AMD) .]

**3. Issuance of registration.** The Secretary of State, on approving the application, shall issue:

A. A registration number or other distinguishing mark; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A certificate of registration that contains the name, place of residence and address of the registered owner. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Refusal.** The Secretary of State may refuse to register the vehicle or to issue a certificate if the applicant has not provided satisfactory information or if the Secretary of State determines that the type of vehicle should not be permitted to be on the highways of the State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. File.** The Secretary of State shall maintain a file of applications and registrations arranged alphabetically according to the name of the applicant and numerically according to registration number.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §B3 (AMD). 1995, c. 645, §B7 (AMD). 1995, c. 645, §B24 (AFF). 2001, c. 361, §6 (AMD). 2001, c. 361, §38 (AFF). RR 2009, c. 2, §81 (COR). 2015, c. 473, §4 (AMD).

## §402. INSURANCE REQUIRED PRIOR TO REGISTRATION

**1. Insurance required.** A person may not register a vehicle unless the person satisfies the Secretary of State that the vehicle is covered by a liability insurance policy.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Method of establishing evidence of insurance.** A person establishes insurance by showing the vehicle insurance identification card as defined by section 1551, subsection 4, a letter from an insurance company or agent showing that the vehicle is covered by a liability insurance policy, an insurance binder or an insurance policy that has a summary document that describes the vehicle insured, the name of the insured, the amount of insurance, the type of insurance coverage and the period for which the vehicle is covered to either the municipal agent or the bureau. Evidence of insurance may be provided at the time of registration in electronic form, including the display of an image on a portable electronic device as defined in section 1551, subsection 11-A.

[ 2013, c. 72, §2 (AMD) .]

**3. Alternative methods of establishing evidence of insurance.** An individual is considered to comply with subsection 2 if the individual shows evidence of compliance with the provisions of section 1605, subsection 3, paragraph A, B or C.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Exceptions.** The provisions of this section do not apply to:

A. Government vehicles as identified in section 517; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Vehicles owned or controlled by a dealer as defined by chapter 9; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Vehicles registered as vehicles for hire; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Trailers and semitrailers. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2013, c. 72, §2 (AMD).

## **§403. MOTOR VEHICLE EMISSION INSPECTION REQUIREMENT FOR VEHICLE REGISTRATION**

*(REPEALED)*

**SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 6, §1 (AMD). 1995, c. 49, §1 (RP). 1995, c. 50, §1 (RP). 1995, c. 625, §C4 (RP).

## **§404. CARRYING OF REGISTRATION**

**1. Requirement.** A certificate of registration, except a dealer certificate, must be carried on the person of the operator or occupant, or kept in some easily accessible place in the vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Dismissal.** A person served with a Violation Summons and Complaint charging a violation of this section may have the complaint dismissed if that person shows satisfactory evidence that the vehicle was registered at the time of the alleged violation. The clerk of the District Court violations bureau must dismiss the complaint if, prior to the date required for filing an answer to the complaint, the person charged files with the bureau a copy of the Violation Summons and Complaint together with satisfactory evidence that the vehicle was registered at the time of the alleged violation. If a person files a timely answer to a Violation Summons and Complaint alleging a violation of this section and that person presents satisfactory evidence to the court at the time of trial showing that the vehicle was registered at the time of the alleged violation, the court must dismiss the complaint.

[ 1999, c. 771, Pt. C, §1 (AMD); 1999, c. 771, Pt. D, §§1, 2 (AFF) .]

**SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 771, §C1 (AMD). 1999, c. 771, §§D1,2 (AFF).

## §405. EXPIRATION DATES

**1. Automobile, truck, truck tractor, motor home, moped, semitrailers not exceeding a gross vehicle weight of 2,000 pounds, special mobile equipment, tractor and camp trailer registration.** Registration for an automobile, truck, truck tractor, motor home, moped, semitrailer not exceeding a gross vehicle weight of 2,000 pounds, special mobile equipment, tractor and camp trailer is as follows.

A. A registration expires on the last day of the month one year from the month of issuance. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. When an application is made after the registration for the previous year has expired, the term of the renewal begins on the month of the issuance of the previous registration. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A person who has a fleet of 5 or more motor vehicles may petition the Secretary of State for a common expiration date of all vehicle registrations. [2001, c. 671, §5 (AMD).]

[ 2011, c. 167, §1 (AMD); 2011, c. 167, §7 (AFF) .]

**2. Other vehicles.** All vehicles not governed by subsection 1 have registration periods from March 1st to the last day of February of the next calendar year.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Early display of plates.** A number plate or suitable device furnished for the next registration period may be displayed on the first day of the month in which the current registration expires.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Emergency.** The Secretary of State may extend the expiration date of a registration under emergency conditions.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2001, c. 361, §7 (AMD). 2001, c. 361, §38 (AFF). 2001, c. 671, §5 (AMD). 2005, c. 577, §9 (AMD). 2011, c. 167, §1 (AMD). 2011, c. 167, §7 (AFF).

## §406. NONTRANSFERABILITY OF CERTIFICATE

A vehicle registration expires on the transfer of ownership except for a transfer to a surviving spouse. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### 1. Return of certificate.

[ 2013, c. 496, §2 (RP) .]

### 2. Issuance of new registration.

[ 2013, c. 496, §2 (RP) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2013, c. 496, §2 (AMD).

## §407. DEFACED OR MISSING IDENTIFICATION NUMBERS

**1. Assignment of special number.** When an engine, serial or vehicle identification number has been omitted, altered, removed or defaced, the Secretary of State shall assign and attach to the vehicle a special number and maintain a record of the number.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Violation.** A person commits a Class E crime if that person sells, exchanges, offers to sell or exchange, transfers or uses a manufacturer's vehicle identification or serial number plate that has been removed from the vehicle to which it was originally attached.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §408. VEHICLES REPORTED STOLEN

When the Secretary of State receives an application for registration of a vehicle previously reported as stolen, the Secretary of State shall notify the owner of that vehicle. The Secretary of State may withhold registration for further investigation. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §409. COLLECTION OF TAXES

**1. Collection of tax.** The Secretary of State shall act at the time and place of registration on behalf of the State Tax Assessor to collect the sales or use tax due under Title 36, Part 3 for a vehicle or truck camper for which an original registration is required.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Documentation; payment of tax.** Registration may not be issued, unless in addition to meeting the other registration requirements of this Title, the applicant has:

A. Submitted a dealer's certificate in a form prescribed by the State Tax Assessor, showing either that:

(1) The sales tax due has been collected by the dealer; or

(2) The sale of the vehicle or truck camper is not subject to tax; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Properly signed a use tax certificate in a form prescribed by the State Tax Assessor and:

(1) Paid the amount of tax due; or

(2) Shown that the sale or use of the vehicle or truck camper is not subject to tax. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Collection fee.** Each official shall retain from the use taxes collected a fee of \$1.25 for each vehicle or truck camper, even if a certificate indicates that no use tax is due.

Retained fees must be transmitted to the Treasurer of State and credited to the Highway Fund.

Taxes collected must be transmitted to the Treasurer of State and credited to the General Fund.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Forwarding certificates.** Certificates submitted pursuant to this section must be sent promptly to the State Tax Assessor.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Other taxes.** A motor vehicle, mobile home, camp trailer or truck camper may not be registered until the excise tax or personal property tax or real estate tax has been paid in accordance with Title 36, sections 551, 602, 1482 and 1484. The Secretary of State may provide municipal excise tax collectors with a standard vehicle registration form for the collection of excise tax.

[ 2011, c. 240, §1 (AMD) .]

**6. Remedies cumulative.** The provisions of this section are in addition to other methods for the collection of the sales or use tax.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2011, c. 240, §1 (AMD).

## §410. VOLUNTARY SURRENDER OR CANCELLATION

A registrant may voluntarily surrender vehicle registration. The Secretary of State shall record that the registration has been cancelled. The Secretary of State may require the return of any certificate of registration or registration plate issued to the registrant for the vehicle. The registrant may activate the registration at any time prior to the original expiration of the registration. [2005, c. 433, §6 (AMD); 2005, c. 433, §28 (AFF).]

#### SECTION HISTORY

1995, c. 482, §A3 (NEW). 2005, c. 433, §6 (AMD). 2005, c. 433, §28 (AFF).

## §411. MULTI-YEAR FLEET REGISTRATION

Notwithstanding any other provision of law, the Secretary of State may authorize registrants with 100 or more motor vehicle registrations to participate in a multi-year fleet registration program. Registrants shall elect a common expiration date for all vehicles placed in the multi-year fleet registration program. With permission of the Secretary of State, a registrant may establish more than one fleet. [1995, c. 645, Pt. B, §8 (NEW); 1995, c. 645, Pt. B, §24 (AFF).]

Motor vehicles registered pursuant to a multi-year fleet registration program may be issued registration credentials for a period not to exceed 5 years. The Secretary of State shall establish a method for the annual verification and collection of appropriate registration fees and excise taxes. When municipal excise tax is required under Title 36, chapter 111, the person registering the motor vehicles shall pay the excise tax directly to the appropriate municipality. [1995, c. 645, Pt. B, §8 (NEW); 1995, c. 645, Pt. B, §24 (AFF).]

The Secretary of State may adopt rules for the implementation of a multi-year fleet registration program. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. [1995, c. 645, Pt. B, §8 (NEW); 1995, c. 645, Pt. B, §24 (AFF).]

#### SECTION HISTORY

1995, c. 645, §B8 (NEW). 1995, c. 645, §B24 (AFF).

### Article 3: REGISTRATION PLATES

#### §451. ISSUANCE AND FORM OF REGISTRATION PLATES

**1. Authority to issue registration plates.** The Secretary of State shall provide a new general issue of registration plates periodically as determined by the Legislature. Each new general issue must be easily distinguishable by color from the preceding general issue.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**1-A. New general issue.** The Secretary of State shall provide for a new general issue of registration plates and shall begin issuing the new plates no later than July 1, 1999. The Secretary of State shall provide for the issuance of new plates before December 31, 2000 to all vehicles required to obtain new plates.

[ 1995, c. 645, Pt. C, §1 (NEW); 1995, c. 645, Pt. C, §16 (AFF) .]

**1-B. New dealer plate issue.** The Secretary of State shall provide for a new issue of dealer plates and shall begin issuing the new dealer plates no later than December 31, 2000 to all dealers licensed pursuant to chapter 9, subchapter III.

[ 1999, c. 473, Pt. G, §1 (AMD) .]

**2. Furnishing registration plates.** The Secretary of State shall furnish registration plates, without charge, with each registration except to dealers, manufacturers and holders of transporter registration plates.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Annual registration plates or devices.** The Secretary of State shall issue new registration plates or a suitable device in lieu of new registration plates each calendar year. The plate or device must clearly indicate the year or period for which it is issued. The Secretary of State may issue permanent registration plates designed to provide for renewal by changing the expiration date without issuing new registration plates. A device attached to the appropriate vehicle or registration plate is proper registration for the period specified.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Registration plate design.** Registration plates must be designed as follows.

A. Registration plates must bear the year of issue or the last 2 numerals of that year and the word "Maine" or the abbreviation "Me." in letters of at least 3/4 inch in height centered at the top of the registration plate. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. Except on motorcycle plates, registration plate numbers may not be substantially less than 3 inches high. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

C. On registration plates issued for private use, the word "Vacationland" must be centered at the bottom, except, when the Secretary of State determines that for other than passenger vehicles, that space may be used for class identifiers. [1997, c. 776, §8 (AMD) .]

D. [1995, c. 645, Pt. C, §2 (AMD); 1995, c. 645, Pt. C, §16 (AFF); T. 29-A, §451, sub-§4, ¶ D (RP).]

[ 1997, c. 776, §8 (AMD) .]

**4-A. New general issue design.** Notwithstanding subsection 4, the design of registration plates issued pursuant to subsection 1-A is governed by this subsection.

A. Registration plates must bear the year of issue or the last 2 numerals of that year and the word "Maine" or the abbreviation "ME" in letters of at least 3/4 inch in height centered at the top of the registration plate. [1997, c. 311, §1 (NEW).]

B. Except on motorcycle plates, registration numbers may not be substantially less than 3 inches high. [1997, c. 311, §1 (NEW).]

C. On registration plates issued for private use and trucks, the word "Vacationland" must be centered at the bottom in letters not less than 3/4 inch in height, except, when the Secretary of State determines that for other than passenger vehicles, that space may be used for class codes. [1997, c. 311, §1 (NEW) .]

D. A new registration plate must have:

- (1) A green shaded background;
- (2) Identification numbers, letters and the border distinctly black; and
- (3) An illustration of a chickadee, pine cone and tassel. [1997, c. 311, §1 (NEW) .]

E. The Secretary of State shall devise, with the advice of the joint standing committee of the Legislature having jurisdiction over transportation matters, a numbering system suitable for a new general issue of registration plates. [1997, c. 311, §1 (NEW) .]

[ 1997, c. 311, §1 (NEW) .]

**5. Special classes of registration plates.** A vehicle required to be registered in a special class under this Title may display only the number plates designed for that special class of registration. If a vehicle registered for hire is disabled due to an accident or mechanical malfunction, another vehicle of the same passenger capacity may be substituted temporarily. The substitute vehicle is subject to the financial responsibility requirements in section 1611. Notwithstanding this subsection, the Secretary of State may issue a temporary credential in lieu of a special class of registration plate. The Secretary of State may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2003, c. 434, §7 (AMD); 2003, c. 434, §37 (AFF) .]

**6. Plates to be manufactured at State Prison.** The Secretary of State or the duly designated official in charge of vehicle registration shall purchase and cause to be installed at the State Prison the necessary equipment and materials for the production of all vehicle registration plates used in the State. Only plates that can not be produced at the prison and plates for which anticipated demand is below a minimum number determined by the Secretary of State may be purchased for state use.

The Warden of the State Prison has charge of operations at the State Prison relative to the manufacture of all plates made for the State. The Warden of the State Prison, with the consent of the Secretary of State, may employ for limited periods of time a supervisor for the purpose of instructing inmates in the operation of making such plates.

[ 1995, c. 645, Pt. C, §3 (AMD) .]



**7. Rules.** The Secretary of State may adopt rules to protect the integrity of registration plates or provide for the issue of replacement plates.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A86 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 645, §§C1-3 (AMD). 1995, c. 645, §C16 (AFF). 1997, c. 311, §1 (AMD). 1997, c. 776, §§7,8 (AMD). 1999, c. 473, §G1 (AMD). 2001, c. 671, §6 (AMD). 2003, c. 434, §7 (AMD). 2003, c. 434, §37 (AFF). MRSA T.29A ., §451/4/D (AMD).

## §452. MANNER OF DISPLAY

**1. Position of registration plate.** A registration plate must be displayed horizontally. Only one set of Maine registration plates may be displayed on one vehicle. A registration plate must be attached to the front and the rear of each vehicle except as follows.

A. A trailer and semitrailer registration plate may be attached only to the rear of that trailer or semitrailer. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. A motorcycle registration plate may not be attached to the front of that motorcycle. [2005, c. 577, §10 (AMD) .]

C. A manufacturer, dealer or transporter registration plate may be attached only to the rear of the vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

D. A truck tractor registration plate may be attached only to the front of that truck tractor. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

[ 2005, c. 577, §10 (AMD) .]

**2. Farm trucks.** The registration plate for a farm truck or vehicle used for hauling forest products may be attached by means of a rigid or semirigid bracket that allows the plate to swing freely.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Proper display.** Registration plates must always be properly displayed.

[ 2003, c. 452, Pt. Q, §2 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**4. Plainly visible and legible.** Registration plates, including the numbers, letters and words, must always be plainly visible and legible.

[ 2003, c. 452, Pt. Q, §3 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 452, §§Q2,3 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 577, §10 (AMD).

## §453. VANITY REGISTRATION PLATES

**1. Vanity registration plates.** The Secretary of State may issue registration plates that contain letters or a combination of letters and numbers for automobiles, taxi cabs, limousines, pickup trucks, trucks, motorcycles, motor homes or semitrailers and camp trailers. The number of characters appearing on a plate issued under this section may not exceed 7. The Secretary of State may not issue vanity plates for vehicles registered pursuant to section 504, subsection 2, or section 512, 531 or 532.

[ 2001, c. 34, §1 (AMD) .]

**2. Fee.** The annual service fee for a vanity registration plate is \$25 in addition to the regular motor vehicle registration fee. The service fee must be credited to the General Highway Fund, except that, beginning July 1, 2009, \$10 of the service fee must be transferred on a quarterly basis by the Treasurer of State to the TransCap Trust Fund established by Title 30-A, section 6006-G. A sum sufficient to defray the cost of this program must be allocated annually from the General Highway Fund.

[ 2007, c. 647, §1 (AMD); 2007, c. 647, §8 (AFF) .]

### 3. Duplicate plates.

[ 2003, c. 434, §37 (AFF); 2003, c. 434, §8 (RP) .]

**3-A. Restrictions.** The Secretary of State may refuse to issue or may recall a plate issued under this section that:

A. [2015, c. 206, §2 (RP).]

B. [2015, c. 206, §2 (RP).]

C. Falsely suggests an association with public institutions; [2015, c. 206, §2 (AMD).]

D. Is duplicative; or [2015, c. 206, §2 (AMD).]

E. The Secretary of State finds consists of language that encourages violence or may result in an act of violence or other unlawful activity because of the content of the language requested by the registrant.

[2015, c. 206, §2 (NEW).]

[ 2015, c. 206, §2 (AMD) .]

### 4. Radio plates.

[ 2013, c. 381, Pt. A, §1 (RP) .]

**5. Facsimile plates.** The Secretary of State may issue a facsimile plate for a 60-day period during production of the semipermanent plate. The facsimile plate must be attached to the rear plate bracket.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). RR 1997, c. 1, §26 (COR). 1997, c. 437, §6 (AMD). 1997, c. 776, §§9,10 (AMD). 2001, c. 34, §1 (AMD). 2003, c. 434, §§8,9 (AMD). 2003, c. 434, §37 (AFF). 2007, c. 647, §1 (AMD). 2007, c. 647, §8 (AFF). 2009, c. 435, §1 (AMD). 2013, c. 381, Pt. A, §1 (AMD). 2015, c. 206, §2 (AMD).

## §454. COMMEMORATIVE REGISTRATION PLATES

**1. Commemorative registration plate authorized.** The Secretary of State may authorize a state, county or municipal government or a subdivision of a state, county or municipal government to design and sell a reflectorized, commemorative, simulated registration plate in celebration of its centennial, bicentennial or sesquicentennial.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**2. Display.** A commemorative plate may be displayed to replace the front registration plate on a motor vehicle, except a truck tractor, including a motor vehicle registered outside this State and operated within it, from January 1st to December 31st of the year celebrated.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**3. Otherwise prohibited.** A commemorative plate may not be sold or displayed except as provided in this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §455. ENVIRONMENTAL REGISTRATION PLATES

The Secretary of State shall issue Maine Environmental Trust Fund registration plates beginning April 1, 1994 in accordance with this section. Environmental registration plates are not required for registration of a motor vehicle but are to allow citizens to participate voluntarily in the Maine Environmental Trust Fund program. A citizen may apply for environmental registration plates and contribute to the Maine Environmental Trust Fund as provided in this section. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Issuance of environmental registration plates.** The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, the registration fee required by this Title and the contribution to the Maine Environmental Trust Fund provided for in subsection 4, shall issue a registration certificate and a set of environmental registration plates to be used in lieu of regular registration plates. The Secretary of State may issue environmental registration plates to a vehicle in any registration class if the designated registration plate for that class does not preclude its use in conjunction with the environmental registration plate design. The Secretary of State may issue environmental registration plates to certain state-owned vehicles in accordance with section 517.

[ 1995, c. 65, Pt. A, §87 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) . ]

**2. Plate design; optional environmental vanity plates.** The Secretary of State, the Commissioner of Agriculture, Conservation and Forestry, the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife in consultation with the joint standing committee of the Legislature having jurisdiction over transportation matters shall determine the plate design.

The design must accommodate the use of numbers and letters as provided in section 453. Upon request and as provided by section 453, the Secretary of State shall issue environmental plates that are also vanity plates. Environmental vanity plates are issued in accordance with this section and section 453. The Secretary of State may modify class codes and create unique identifiers for the purpose of expanding the program.

[ 2013, c. 496, §3 (AMD) . ]

**3. Temporary facsimile plate.** The Secretary of State may issue a facsimile plate for temporary use up to a 60-day period until the permanent plate is received. The facsimile plate must be attached to the rear plate bracket.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Initial contribution to Maine Environmental Trust Fund.** In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the initial contribution for environmental registration plates is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Fourteen dollars to the Maine Environmental Trust Fund established in Title 12, section 10255; [2007, c. 703, §2 (NEW) .]

B. Five dollars to the Highway Fund for administrative and production costs; and [2007, c. 703, §2 (NEW) .]

C. One dollar to the Specialty License Plate Fund established under section 469. [2007, c. 703, §2 (NEW) .]

[ 2007, c. 703, §2 (AMD) .]

**4-A. Renewal fee.** In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the annual renewal contribution for environmental registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Fourteen dollars to the Maine Environmental Trust Fund established in Title 12, section 10255; and [2007, c. 703, §2 (NEW) .]

B. One dollar to the Specialty License Plate Fund established under section 469. [2007, c. 703, §2 (NEW) .]

[ 2007, c. 703, §2 (NEW) .]

## **5. Reimbursement for production and issuance costs.**

[ 2007, c. 703, §2 (RP) .]

**5-A. Transfer of fees.** On a quarterly basis, the Secretary of State shall transfer the revenue from the issuance and renewal of the environmental registration plates to the Treasurer of State for deposit and crediting pursuant to subsections 4 and 4-A.

[ 2007, c. 703, §2 (NEW) .]

**6. Proceeds from sale of products using the environmental plate design.** All proceeds from the sale of products using the environmental registration plate design must be deposited with the Treasurer of State and credited to the Maine Environmental Trust Fund.

[ 1995, c. 65, Pt. A, §88 (NEW); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

## SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §§A87,88 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 256, §1 (AMD). 1997, c. 437, §7 (AMD). 2003, c. 414, §B45 (AMD). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2007, c. 703, §2 (AMD). 2011, c. 657, Pt. W, §6 (REV). 2013, c. 496, §3 (AMD).

## §456. UNIVERSITY OF MAINE SYSTEM; SPECIAL REGISTRATION PLATES

**1. University of Maine System plate.** The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the registration fee required by section 501 and the administrative fee and voluntary contribution provided for in subsection 2, shall issue a registration certificate and a set of University of Maine System registration plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters.

[ 1995, c. 645, Pt. A, §2 (AMD); 1995, c. 645, Pt. A, §18 (AFF) .]

**2. Administrative fee and contribution to University of Maine System Scholarship Fund.**

University of Maine System special registration plates are not required for registration of a motor vehicle. A person may contribute to the University of Maine System Scholarship Fund by applying for the special registration plates and submitting, in addition to the regular motor vehicle registration fee, a sum of \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Fourteen dollars to the University of Maine System Scholarship Fund established in Title 20-A, section 10909; [2007, c. 703, §3 (AMD) .]

B. Five dollars to the Highway Fund for administrative and production costs; and [2007, c. 703, §3 (AMD) .]

C. One dollar to the Specialty License Plate Fund established under section 469. [2007, c. 703, §3 (NEW) .]

[ 2007, c. 703, §3 (AMD) .]

**3. Design.** The Secretary of State shall determine a design for the special University of Maine System plates. If the design accommodates the use of numbers and letters as provided in section 453, the Secretary of State shall issue upon request University of Maine System plates that are also vanity plates. University of Maine System vanity plates are issued in accordance with the provisions of this section and section 453.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Not transferable.**

[ 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF); 1995, c. 65, Pt. C, §2 (RP) .]

**5. Renewal fee.** In addition to the regular motor vehicle registration fee prescribed by law, the annual renewal contribution for University of Maine System registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Thirteen dollars to the University of Maine System Scholarship Fund established in Title 20-A, section 10909; [2007, c. 703, §3 (AMD) .]

B. One dollar to the Highway Fund; and [2007, c. 703, §3 (AMD) .]

C. One dollar to the Specialty License Plate Fund established under section 469. [2007, c. 703, §3 (NEW) .]

[ 2007, c. 703, §3 (AMD) .]

**6. Reimbursement for production and issuance costs.**

[ 2007, c. 703, §3 (RP) .]

**6-A. Transfer of fees.** On a quarterly basis, the Secretary of State shall transfer the revenue from the issuance and renewal of the University of Maine System registration plates to the Treasurer of State for deposit and crediting pursuant to subsections 2 and 5.

[ 2007, c. 703, §3 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §C2 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 645, §A2 (AMD). 1995, c. 645, §A18 (AFF). 2005, c. 109, §§4,5 (AMD). 2007, c. 703, §3 (AMD).

## §456-A. LOBSTER REGISTRATION PLATES

**1. Lobster plates.** The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the annual motor vehicle registration fee required by section 501 and the contribution provided for in subsection 2, shall issue a registration certificate and a set of lobster special registration plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters. The Secretary of State may issue lobster plates to certain state-owned vehicles in accordance with section 517.

[ 2009, c. 435, §2 (AMD) .]

**2. Contribution to Lobster Research, Education and Development Fund.** In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the initial contribution for lobster plates is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Lobster Research, Education and Development Fund established in Title 12, section 6465; [ 2007, c. 703, §4 (AMD) .]

B. Nine dollars to the Highway Fund for administrative and production costs; and [ 2007, c. 703, §4 (AMD) .]

C. One dollar to the Specialty License Plate Fund established under section 469. [ 2007, c. 703, §4 (NEW) .]

[ 2007, c. 703, §4 (AMD) .]

**3. Design.** The Secretary of State, in consultation with the Maine Lobster Marketing Collaborative under Title 12, section 6455, shall determine a design for the lobster special registration plates. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design prior to manufacture of the plates. The Secretary of State shall issue upon request lobster plates that are also vanity plates. Lobster plates are issued in accordance with the provisions of this section and section 453.

[ 2013, c. 309, §4 (AMD) .]

**4. Renewal fee.** In addition to the regular motor vehicle registration fee prescribed by law, the annual renewal contribution for lobster special registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Lobster Research, Education and Development Fund established in Title 12, section 6465; [ 2007, c. 703, §4 (AMD) .]

B. Four dollars to the Highway Fund for administrative and production costs; and [ 2007, c. 703, §4 (AMD) .]

C. One dollar to the Specialty License Plate Fund established under section 469. [ 2007, c. 703, §4 (NEW) . ]

[ 2007, c. 703, §4 (AMD) . ]

**5. Reimbursement for production and issuance costs for first 2,000 plates.**

[ 2007, c. 703, §4 (RP) . ]

**6. Reimbursement for production and issuance costs for plates produced after first 2,000 plates.**

[ 2007, c. 703, §4 (RP) . ]

**6-A. Transfer of fees.** On a quarterly basis, the Secretary of State shall transfer the revenue from the issuance and renewal of the lobster registration plates to the Treasurer of State for deposit and crediting pursuant to subsections 2 and 4.

[ 2007, c. 703, §4 (NEW) . ]

**7. Duplicate plates.** The Secretary of State shall issue a lobster plate in a 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

[ 2001, c. 623, §4 (NEW) . ]

**8. Eligibility; trucks.** A lobster registration plate may be issued for:

A. A vehicle that qualifies for a specialty license plate under section 468, subsection 8. [ 2015, c. 473, §5 (AMD) . ]

B. [ 2015, c. 473, §6 (RP) . ]

[ 2015, c. 473, §§5, 6 (AMD) . ]

**9. Date of first issue.** The Secretary of State shall issue the first lobster plate on or after May 1, 2003.

[ 2001, c. 623, §4 (NEW) . ]

**SECTION HISTORY**

2001, c. 623, §4 (NEW). 2007, c. 383, §3 (AMD). 2007, c. 703, §4 (AMD). 2009, c. 435, §2 (AMD). 2011, c. 356, §3 (AMD). 2013, c. 309, §4 (AMD). 2015, c. 473, §§5, 6 (AMD).

## **§456-B. MAINE BLACK BEARS REGISTRATION PLATES**

**1. Maine Black Bears plates.** The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the annual motor vehicle registration fee required by section 501 and the contribution provided for in subsection 2, shall issue a registration certificate and a set of Maine Black Bears special registration plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters.

[ 2001, c. 623, §4 (NEW) . ]

**2. Contribution to Maine Black Bears Scholarship Fund.** In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the initial contribution for Maine Black Bears plates is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Maine Black Bears Scholarship Fund established in Title 20-A, section 10971; [2007, c. 703, §5 (AMD).]

B. Nine dollars to the Highway Fund for administrative and production costs; and [2007, c. 703, §5 (AMD).]

C. One dollar to the Specialty License Plate Fund established under section 469. [2007, c. 703, §5 (NEW).]

[ 2007, c. 703, §5 (AMD) .]

**3. Design.** The Secretary of State, in consultation with the alumni association of the University of Maine, shall determine a design for the Maine Black Bears special registration plates. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design prior to manufacture of the plates. The Secretary of State shall issue upon request Maine Black Bears plates that are also vanity plates. Maine Black Bears plates are issued in accordance with the provisions of this section and section 453.

[ 2001, c. 623, §4 (NEW) .]

**4. Renewal fee.** In addition to the regular motor vehicle registration fee prescribed by law, the annual renewal contribution for Maine Black Bears special registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Maine Black Bears Scholarship Fund established in Title 20-A, section 10971; [2007, c. 703, §5 (AMD).]

B. Four dollars to the Highway Fund for administrative and production costs; and [2007, c. 703, §5 (AMD).]

C. One dollar to the Specialty License Plate Fund established under section 469. [2007, c. 703, §5 (NEW).]

[ 2007, c. 703, §5 (AMD) .]

**5. Reimbursement for production and issuance costs for first 2,000 plates.**

[ 2007, c. 703, §5 (RP) .]

**6. Reimbursement for production and issuance costs for plates produced after first 2,000 plates.**

[ 2007, c. 703, §5 (RP) .]

**6-A. Transfer of fees.** On a quarterly basis, the Secretary of State shall transfer the revenue from the issuance and renewal of the Maine Black Bears special registration plates to the Treasurer of State for deposit and crediting pursuant to subsections 2 and 4.

[ 2007, c. 703, §5 (NEW) .]

**7. Duplicate plates.** The Secretary of State shall issue a Maine Black Bears plate in a 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

[ 2001, c. 623, §4 (NEW) .]

**8. Weight limit.** A Maine Black Bears plate may be issued for a motor vehicle that does not exceed 10,000 pounds. A motor vehicle that exceeds 6,000 pounds is subject to the fees in section 504.

[ 2007, c. 383, §4 (AMD) .]



**9. Date of first issue.** The Secretary of State shall issue the first Maine Black Bears plate on or after November 1, 2003.

[ 2001, c. 623, §4 (NEW) . ]

#### SECTION HISTORY

2001, c. 623, §4 (NEW). 2007, c. 383, §4 (AMD). 2007, c. 703, §5 (AMD).

## §456-C. SPORTSMAN REGISTRATION PLATES

**1. Sportsman registration plates.** The Secretary of State, upon receiving an application and evidence of payment of the registration fee required by section 501 and the excise tax required by Title 36, section 1482, shall issue a registration certificate and a set of sportsman plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters. Vanity plates may not duplicate vanity plates issued in another class of plate. The Secretary of State shall begin issuing sportsman registration plates by April 1, 2008. Sportsman vanity plates are issued in accordance with this section and section 453.

[ 2013, c. 496, §4 (AMD) . ]

**2. Initial registration fee.** In addition to the regular motor vehicle registration fee prescribed by law, the initial contribution for the sportsman registration plate is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Fourteen dollars to the Boat Launch Facilities Fund established in Title 12, section 10261; [ 2007, c. 703, §6 (NEW) . ]

B. Five dollars to the Highway Fund for administrative and production costs; and [ 2007, c. 703, §6 (NEW) . ]

C. One dollar to the Specialty License Plate Fund established under section 469. [ 2007, c. 703, §6 (NEW) . ]

[ 2007, c. 703, §6 (AMD) . ]

**3. Renewal fee.** In addition to the regular motor vehicle registration fee prescribed by law, the annual renewal contribution for sportsman registration plates is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Eighteen dollars credited as follows:

(1) Fifty percent to the fish hatchery maintenance fund established in Title 12, section 10252;

(2) Fifteen percent to the Boat Launch Facilities Fund established in Title 12, section 10261;

(3) Ten percent to the Maine Endangered and Nongame Wildlife Fund established in Title 12, section 10253; and

(4) Twenty-five percent to the landowner relations program in Title 12, section 10108, subsection 4-A; [ 2011, c. 576, §7 (AMD) . ]

B. One dollar to the Highway Fund for administrative and production costs; and [ 2007, c. 703, §6 (NEW) . ]

C. One dollar to the Specialty License Plate Fund established under section 469. [ 2007, c. 703, §6 (NEW) . ]

[ 2011, c. 576, §7 (AMD) . ]

**4. Issuance.** The Secretary of State shall issue a sportsman registration plate in a number or letter sequence or a combination of a number and letter sequence.

[ 2007, c. 240, Pt. LLLL, §2 (NEW) .]

**5. Design and approval.** Notwithstanding section 468, subsection 5, the Commissioner of Inland Fisheries and Wildlife shall submit a new proposed design for the sportsman registration plate every 6 years for approval or modification by the Secretary of State.

[ 2007, c. 240, Pt. LLLL, §2 (NEW) .]

**6. Transfer of fees.** On a quarterly basis, the Secretary of State shall transfer the revenue from the issuance and renewal of the sportsman registration plates to the Treasurer of State for deposit and crediting pursuant to subsections 2 and 3.

[ 2007, c. 703, §6 (AMD) .]

#### SECTION HISTORY

2005, c. 12, §III44 (NEW). 2005, c. 405, §N1 (AMD). 2007, c. 240, Pt. LLLL, §2 (AMD). 2007, c. 703, §6 (AMD). 2011, c. 576, §7 (AMD). 2013, c. 496, §4 (AMD).

## §456-D. WE SUPPORT OUR TROOPS REGISTRATION PLATES

The Secretary of State shall issue registration plates, referred to in this section as "We Support Our Troops plates," to support Maine troops and their families in accordance with this section and section 468, except that the provisions of section 468, subsection 7 do not apply. [ 2007, c. 703, §7 (RPR) .]

**1. We Support Our Troops plates.** The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the registration fee required by section 501 and the administrative fee and contribution provided for in subsection 2, shall issue a registration certificate and a set of We Support Our Troops plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters.

[ 2007, c. 703, §7 (RPR) .]

**2. Administrative fee and contribution to special programs.** A person may contribute funds for the purposes of providing financial assistance to members of the Maine National Guard and their families or residents of the State who are members of the Reserves of the Armed Forces of the United States and their families for emergencies and other special needs by applying for the We Support Our Troops plates and submitting, in addition to the regular motor vehicle registration fee required under section 501, a sum of \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Maine Military Family Relief Fund as established in Title 37-B, section 158; [ 2009, c. 481, §2 (AMD) .]

B. Nine dollars to the Highway Fund for administrative and production costs; and [ 2007, c. 703, §7 (RPR) .]

C. One dollar to the Specialty License Plate Fund established under section 469. [ 2007, c. 703, §7 (NEW) .]

[ 2009, c. 481, §2 (AMD) .]

**3. Renewal fee.** In addition to the regular motor vehicle registration fee required under section 501, the annual renewal contribution for We Support Our Troops plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Maine Military Family Relief Fund as established in Title 37-B, section 158; [ 2009, c. 481, §3 (AMD) . ]

B. Four dollars to the Highway Fund for administrative and production costs; and [ 2007, c. 703, §7 (RPR) . ]

C. One dollar to the Specialty License Plate Fund established under section 469. [ 2007, c. 703, §7 (NEW) . ]

[ 2009, c. 481, §3 (AMD) . ]

**4. Design.** A sponsor must submit a design for the We Support Our Troops plates to the Secretary of State for approval or modification in accordance with section 468, subsection 5. The design must include the shape of the boundaries of the State of Maine, with an image of a curled ribbon superimposed over the shape of the State, with the words "We Support Our Troops" printed along the bottom of the plate. The Secretary of State shall provide the final design to the joint standing committee of the Legislature having jurisdiction over transportation matters prior to manufacture of the plates. The Secretary of State shall issue upon request We Support Our Troops plates that are also vanity plates. We Support Our Troops plates are issued in accordance with the provisions of this section and section 453.

[ 2007, c. 703, §7 (RPR) . ]

**5. Duplicate plates prohibited.** The Secretary of State shall issue a We Support Our Troops plate in a 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

[ 2007, c. 703, §7 (RPR) . ]

**6. Weight limit.** A We Support Our Troops plate may be issued for a motor vehicle that does not exceed 10,000 pounds. A motor vehicle that exceeds 6,000 pounds is subject to the fees in section 504.

[ 2007, c. 703, §7 (RPR) . ]

**7. Administration of fees.** On a quarterly basis, the Secretary of State shall transfer the revenue from the issuance and renewal of the We Support Our Troops plates to the Treasurer of State for deposit and crediting pursuant to subsections 2 and 3.

The Treasurer of State shall reimburse the sponsor \$20,000 of the original payment from the Highway Fund after the issuance of the first 2,000 registration plates under this section.

[ 2009, c. 481, §4 (AMD) . ]

## **8. We Support Our Troops Advisory Board.**

[ 2009, c. 481, §5 (RP) . ]

### SECTION HISTORY

RR 2007, c. 1, §13 (COR). 2007, c. 229, §2 (NEW). 2007, c. 456, §3 (NEW). 2007, c. 703, §7 (RPR). 2009, c. 481, §§2-5 (AMD).

## §456-E. BREAST CANCER SUPPORT SERVICES REGISTRATION PLATE

**1. Breast cancer support services plates.** The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the annual motor vehicle registration fee required by section 501 and the contribution provided for in subsection 2, shall issue a registration certificate and a set of breast cancer support services special registration plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters.

[ 2007, c. 547, §2 (NEW) . ]

**2. Contribution; credit to Breast Cancer Services Special Program Fund.** In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the initial contribution for the breast cancer support services special registration plates is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Breast Cancer Services Special Program Fund, as established in Title 22, section 1408; [ 2007, c. 703, §8 (AMD) . ]

B. Nine dollars to the Highway Fund for administrative and production costs; and [ 2007, c. 703, §8 (AMD) . ]

C. One dollar to the Specialty License Plate Fund established under section 469. [ 2007, c. 703, §8 (AMD) . ]

[ 2007, c. 703, §8 (AMD) . ]

**3. Design; review; vanity plates.** The Secretary of State, in consultation with the plate sponsor, shall determine a design for the breast cancer support services special registration plates. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design prior to manufacture of the plates. The Secretary of State shall issue upon request breast cancer support services special registration plates that are also vanity plates. Breast cancer support services special registration plates are issued in accordance with the provisions of this section and section 453.

[ 2007, c. 547, §2 (NEW) . ]

**4. Renewal fee.** In addition to the regular motor vehicle registration fee prescribed by law, the annual renewal contribution for breast cancer support services special registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Breast Cancer Services Special Program Fund, as established in Title 22, section 1408; [ 2007, c. 703, §9 (AMD) . ]

B. Four dollars to the Highway Fund for administrative and production costs; and [ 2007, c. 703, §9 (AMD) . ]

C. One dollar to the Specialty License Plate Fund established under section 469. [ 2007, c. 703, §9 (AMD) . ]

[ 2007, c. 703, §9 (AMD) . ]

**5. Payment for costs associated with the production and issuance of the first 2,000 plates.** The sponsor of the breast cancer support services special registration plates shall provide \$40,000 to the Secretary of State for costs associated with the production and issuance of plates. The Secretary of State shall deposit these funds in the Specialty License Plate Fund, established under section 469. In accordance with section

468, subsection 3-A, the Secretary of State shall provide 2,000 credit receipts to the sponsor to provide to each supporter that contributed \$20. A credit receipt may be used only to obtain one set of breast cancer support services special registration plates.

[ 2007, c. 547, §2 (NEW) . ]

**6. Transfer of fees.** On a quarterly basis, the Secretary of State shall transfer the revenue from the issuance and renewal of the breast cancer support services special registration plates to the Treasurer of State for deposit and crediting pursuant to subsections 2 and 4.

[ 2007, c. 547, §2 (NEW) . ]

**7. Duplicate plates.** The Secretary of State shall issue breast cancer support services special registration plates in a 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

[ 2007, c. 547, §2 (NEW) . ]

**8. Weight limit.** Breast cancer support services special registration plates may be issued for a motor vehicle that does not exceed 10,000 pounds. A motor vehicle that exceeds 6,000 pounds is subject to the fees in section 504.

[ 2007, c. 547, §2 (NEW) . ]

**9. Date of first issue.** The Secretary of State shall issue breast cancer support services special registration plates on or after October 1, 2008.

[ 2007, c. 547, §2 (NEW) . ]

#### SECTION HISTORY

2007, c. 547, §2 (NEW). 2007, c. 703, §8, 9 (AMD).

## §456-F. AGRICULTURE EDUCATION REGISTRATION PLATE

**1. Agriculture education plates.** The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the annual motor vehicle registration fee required by section 501, section 504, subsection 1 or section 505 and the contribution provided for in subsection 2, shall issue a registration certificate and a set of agriculture education special registration plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters. The Secretary of State may issue agricultural education plates to certain state-owned vehicles in accordance with section 517.

[ 2009, c. 435, §3 (AMD) . ]

**2. Contribution; credit to Agriculture Education Plate Fund.** In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the initial contribution for agriculture education plates is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Maine Agriculture in the Classroom Council established in Title 5, section 12004-G, subsection 4-C; [ 2007, c. 703, §10 (NEW) . ]

B. Nine dollars to the Highway Fund for administrative and production costs; and [ 2007, c. 703, §10 (NEW) . ]

C. One dollar to the Specialty License Plate Fund established under section 469. [2007, c. 703, §10 (NEW).]

[2007, c. 703, §10 (NEW).]

**3. Design; review; vanity plates.** The Secretary of State, in consultation with the Maine Agriculture in the Classroom Association, shall determine a design for the agriculture education special registration plates. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design prior to manufacture of the plates. The Secretary of State shall issue upon request agriculture education plates that are also vanity plates. Agriculture education plates are issued in accordance with the provisions of this section and section 453.

[2007, c. 703, §10 (NEW).]

**4. Renewal fee.** In addition to the regular motor vehicle registration fee prescribed by law, the annual renewal contribution for agriculture education special registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the Maine Agriculture in the Classroom Council established in Title 5, section 12004-G, subsection 4-C; [2007, c. 703, §10 (NEW).]

B. Four dollars to the Highway Fund for administrative and production costs; and [2007, c. 703, §10 (NEW).]

C. One dollar to the Specialty License Plate Fund established under section 469. [2007, c. 703, §10 (NEW).]

[2007, c. 703, §10 (NEW).]

**5. Transfer of fees.** On a quarterly basis, the Secretary of State shall transfer the revenue from the issuance and renewal of the agriculture education registration plates to the Treasurer of State for deposit and crediting pursuant to subsections 2 and 4.

[2007, c. 703, §10 (NEW).]

**6. Duplicate plates.** The Secretary of State shall issue an agriculture education plate in a 3-number and 3-letter combination sequence or in another sequence at the discretion of the Secretary of State. Vanity plates may not duplicate vanity plates issued in another class of plate.

[2011, c. 556, §3 (AMD).]

**7. Eligibility; trucks.** An agriculture education registration plate may be issued for:

A. A vehicle that qualifies for a specialty license plate under section 468, subsection 8; and [2007, c. 703, §10 (NEW).]

B. A truck registered under section 504, subsection 1. [2015, c. 473, §7 (AMD).]

[2015, c. 473, §7 (AMD).]

**8. Date of first issue.** The Secretary of State shall issue the first agriculture plate no later than October 1, 2007.

[2007, c. 703, §10 (NEW).]

#### SECTION HISTORY

2007, c. 703, §10 (NEW). 2009, c. 435, §3 (AMD). 2011, c. 556, §3 (AMD). 2015, c. 473, §7 (AMD).

## §456-G. SUPPORT ANIMAL WELFARE REGISTRATION PLATE

**1. Support Animal Welfare plates.** The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the annual motor vehicle registration fee required by section 501 and the contribution provided for in subsection 2, shall issue a registration certificate and a set of Support Animal Welfare special registration plates to be used in lieu of regular registration plates.

[ 2009, c. 73, §1 (NEW) . ]

**2. Contribution; credit to funds.** In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the initial contribution for Support Animal Welfare special registration plates is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Five dollars to the animal welfare auxiliary fund pursuant to Title 7, section 3906-B, subsection 16;

[ 2009, c. 73, §1 (NEW) . ]

B. Five dollars to the Companion Animal Sterilization Fund established in Title 7, section 3910-B;

[ 2009, c. 73, §1 (NEW) . ]

C. Nine dollars to the Highway Fund for administrative and production costs; [ 2009, c. 73, §1 (NEW) . ]

D. One dollar to the Specialty License Plate Fund established under section 469. [ 2009, c. 73, §1 (NEW) . ]

[ 2009, c. 73, §1 (NEW) . ]

**3. Design; review; vanity plates.** The Secretary of State, in consultation with private businesses and nonprofit organizations concerned with animal welfare, shall determine a design for the Support Animal Welfare special registration plates. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design prior to manufacture of the plates. The Secretary of State shall issue upon request Support Animal Welfare special registration plates that are also vanity plates. Support Animal Welfare special registration plates are issued in accordance with the provisions of this section and section 453.

[ 2009, c. 73, §1 (NEW) . ]

**4. Renewal fee.** In addition to the regular motor vehicle registration fee prescribed by law, the annual renewal contribution for Support Animal Welfare special registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Five dollars to the animal welfare auxiliary fund pursuant to Title 7, section 3906-B, subsection 16;

[ 2009, c. 73, §1 (NEW) . ]

B. Five dollars to the Companion Animal Sterilization Fund established in Title 7, section 3910-B;

[ 2009, c. 73, §1 (NEW) . ]

C. Four dollars to the Highway Fund for administrative and production costs; [ 2009, c. 73, §1 (NEW) . ]

D. One dollar to the Specialty License Plate Fund established under section 469. [ 2009, c. 73, §1 (NEW) . ]

[ 2009, c. 73, §1 (NEW) . ]

**5. Payment for costs associated with the production and issuance of the first 2,000 plates.** The sponsor of the Support Animal Welfare special registration plates shall provide \$50,000 to the Secretary of State for costs associated with the production and issuance of plates. The Secretary of State shall deposit these funds in the Specialty License Plate Fund established under section 469. In accordance with section

468, subsection 3-A, the Secretary of State shall provide 2,000 credit receipts to the sponsor to provide to each supporter who contributed \$25. A credit receipt may be used only to obtain one set of Support Animal Welfare special registration plates.

[ 2009, c. 73, §1 (NEW) .]

**6. Transfer of fees.** On a quarterly basis, the Secretary of State shall transfer the revenue from the issuance and renewal of the Support Animal Welfare special registration plates to the Treasurer of State for deposit and crediting pursuant to subsections 2 and 4.

[ 2009, c. 73, §1 (NEW) .]

**7. Duplicate plates.** The Secretary of State shall issue a Support Animal Welfare special registration plate in a unique 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

[ 2009, c. 73, §1 (NEW) .]

**8. Weight limit.** Support Animal Welfare special registration plates may be issued for a motor vehicle that does not exceed 10,000 pounds. A motor vehicle that exceeds 6,000 pounds is subject to the fees in section 504.

[ 2009, c. 73, §1 (NEW) .]

**9. Date of first issue.** The Secretary of State shall issue the first Support Animal Welfare special registration plate no later than October 1, 2009.

[ 2009, c. 73, §1 (NEW) .]

#### SECTION HISTORY

2009, c. 73, §1 (NEW).

## §457. HOBBYIST REGISTRATION PLATES

**1. Hobbyist registration plates authorized.** The Secretary of State may issue hobbyist registration plates for antique autos, custom vehicles, horseless carriages, street rods or antique motorcycles. These plates must bear the inscription "Maine" and the inscription "Antique Auto," "Custom Vehicle," "Horseless Carriage" or "Street Rod" or, for antique motorcycles, the inscription "Antique."

[ 2013, c. 381, Pt. A, §2 (AMD) .]

### **2. Existing number plates.**

[ 1995, c. 645, Pt. A, §3 (RP) .]

**3. Contemporary plates.** An owner of an antique auto, horseless carriage, street rod or antique motorcycle may use registration plates that were issued in the same year the antique vehicle was manufactured, as long as the motor vehicle:

A. Is over 25 years old; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. Is registered as an antique vehicle; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]



C. Carries a valid antique motor vehicle registration certificate and plates. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Display of contemporary plates.** Contemporary registration plates must have matching plate numbers, be affixed to both the front and rear and conspicuously bear the year of manufacture.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Street rod standards.** The Chief of the State Police shall establish standards to qualify vehicles as street rods. These standards include:

A. The age of the vehicle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The equipment and its condition; and [2005, c. 34, §1 (AMD).]

C. Permissible modifications. [2005, c. 34, §1 (AMD).]

D. [2005, c. 34, §2 (RP).]

[ 2005, c. 34, §§1, 2 (AMD) .]

**6. Application.** An application for registration of a vehicle under this section must be accompanied by an affidavit that includes a statement indicating the year and make of the motor vehicle and that the vehicle is garaged or maintained in the State.

[ 2005, c. 321, §3 (AMD); 2005, c. 321, §6 (AFF) .]

**7. Registration fee.** The fee for registration of a horseless carriage or antique motorcycle is \$15. The fee for registration of a street rod or antique auto is \$30.

[ 2015, c. 206, §3 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §§A3,C4 (AMD). 1995, c. 645, §C16 (AFF). 1999, c. 790, §C1 (AMD). 1999, c. 790, §C19 (AFF). 2005, c. 34, §§1,2 (AMD). 2005, c. 321, §§2,3 (AMD). 2005, c. 321, §6 (AFF). 2013, c. 381, Pt. A, §2 (AMD). 2015, c. 206, §3 (AMD).

## §458. STOCK RACE CARS

**1. Stock race car plates authorized.** The Secretary of State may issue a registration plate for stock race cars.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### 2. Fee.

[ 1999, c. 790, Pt. C, §19 (AFF); 1999, c. 790, Pt. C, §2 (RP) .]

**3. Operation restricted.** A stock race car may not be operated under its own power on a public way.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §C5 (AMD). 1995, c. 645, §C16 (AFF). 1999, c. 790, §C2 (AMD). 1999, c. 790, §C19 (AFF).

### §458-A. MODIFIED SHOW VEHICLE

*(REPEALED)*

#### SECTION HISTORY

2001, c. 225, §2 (NEW). 2005, c. 314, §4 (RP).

### §458-B. CUSTOM VEHICLES

A custom vehicle may be registered in accordance with the provisions of this section. [ 2005, c. 321, §4 (NEW); 2005, c. 321, §6 (AFF) .]

**1. Registration fee.** The fee for the custom vehicle registration plate is the regular motor vehicle registration fee required by section 501 and the excise tax required by Title 36, section 1482.

[ 2005, c. 321, §4 (NEW); 2005, c. 321, §6 (AFF) .]

**2. Registration plates.** The Secretary of State shall issue a registration certificate and a set of custom vehicle registration plates in a 3-number and 3-letter combination sequence to be used in lieu of regular registration plates.

[ 2005, c. 321, §4 (NEW); 2005, c. 321, §6 (AFF) .]

**3. Application.** An application for registration of a vehicle under this section must be accompanied by an affidavit that includes a statement indicating the year and make that the body of the custom vehicle resembles and that the vehicle is garaged or maintained in the State.

[ 2005, c. 321, §4 (NEW); 2005, c. 321, §6 (AFF) .]

**4. Registration.** The registration must indicate the year and make that the body of the custom vehicle resembles and must indicate the vehicle has been modified.

[ 2005, c. 321, §4 (NEW); 2005, c. 321, §6 (AFF) .]

**5. Vanity plates.** The Secretary of State may issue vanity plates in accordance with section 453 and may not duplicate vanity plates issued in another class of plate.

[ 2005, c. 321, §4 (NEW); 2005, c. 321, §6 (AFF) .]

**6. Weight limit.** A custom vehicle registration plate may be issued for a motor vehicle that does not exceed 10,000 pounds.

[ 2011, c. 139, §2 (AMD) .]

**7. Inspection.** A custom vehicle is subject to the inspection requirements of section 1751, except that the Chief of the State Police may provide certain exemptions for custom vehicles pursuant to section 1769.

[ 2011, c. 139, §3 (AMD) .]

#### SECTION HISTORY

2005, c. 321, §4 (NEW). 2005, c. 321, §6 (AFF). 2011, c. 139, §§2, 3 (AMD) .

## **§459. MANUFACTURERS, DEALERS, TRANSPORTERS, BODY SHOPS, TRANSMISSION SHOPS AND GARAGES; SPECIAL PLATES**

**1. Special plates.** The Secretary of State may select and issue special distinguishing letters, marks or designs for number plates issued to manufacturers, dealers, holders of transporter registration certificates and owners of body shops, transmission shops or garages.

[ 2011, c. 44, §1 (AMD) .]

**2. Special vanity plates.** A car dealer or an owner of a body shop, transmission shop or garage may apply for special vanity registration plates that may bear letters or combinations of letters and numbers that are approved by the Secretary of State or a designee. A plate may not be duplicated by other licensed vehicle dealers, body shops, transmission shops or garages. These special vanity plates may not be used to supplement existing registration numbers assigned.

The Secretary of State shall charge an additional \$30 fee per plate issued pursuant to this subsection.

[ 2011, c. 44, §1 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2011, c. 44, §1 (AMD) .

## **§460. STATE OFFICIALS**

**1. State official registration plates authorized.** The Secretary of State, on payment of taxes required in section 409, fees required in section 501, subsections 1 and 2-A and an additional fee equal to the cost of producing the plates, rounded to the nearest dollar, and upon application, shall issue one pair of specially designed number plates for one designated motor vehicle owned or controlled by each member of the United States Senate or the United States House of Representatives from this State, or members of the Legislature, Representatives of the Indian Tribes at the Legislature, the President of the Senate, the Speaker of the House of Representatives, the Secretary of the Senate and the Clerk of the House of Representatives. The cost of producing the special plates is determined by the bureau. A specially designed plate and its registration certificate may be used in place of the regular plate and registration. The named official may attach to such a motor vehicle one of the valid registration plates issued under section 451 and one of the special registration plates issued under this section.

[ 2001, c. 471, Pt. A, §29 (AMD) .]

**2. Additional plates.** On request by a United States Senator or by a United States Representative, the Secretary of State, for a fee of \$2, shall issue an additional pair of specially designed number plates for a 2nd designated motor vehicle owned or controlled by that member.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2-A. Motorcycle plates; Legislature.** In addition to any plate issued pursuant to subsection 1, the Secretary of State, on payment of taxes required in Title 36 and an additional fee to be established by rule, shall issue a specially designed number plate for one designated motorcycle owned or controlled by each member of the Legislature, each representative of an Indian Tribe at the Legislature, the President of the Senate and the Speaker of the House of Representatives. The bureau shall produce those plates within existing budgeted resources. A specially designed motorcycle plate and its registration certificate may be used in place of the regular plate and registration. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2005, c. 664, Pt. Q, §1 (NEW) .]

**3. Period of validity.** An official plate is valid only while the member actually serves in the office for which the member is elected.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Design.** The Secretary of State shall determine the color, shape, size, lettering and numbering of the official registration plates, except the plates issued to a member of the House of Representatives, other than the Speaker of the House of Representatives, must bear the number of that House District, and plates issued to a member of the Senate, other than the President of the Senate, must bear the number of that Senatorial District.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §B4 (AMD). 1997, c. 58, §1 (AMD). 2001, c. 471, §A29 (AMD). 2005, c. 664, §Q1 (AMD).

## §460-A. HONORARY CONSUL

**1. Honorary consul registration plates authorized.** The Secretary of State, on payment of taxes required in Title 36, section 1482, fees required in section 501, subsection 1 and an additional fee equal to the cost of producing the plates, rounded to the nearest dollar, and upon application shall issue one pair of specially designed number plates for one designated motor vehicle owned or controlled by each honorary consul who is a citizen or resident of the United States and authorized by the United States to perform consular duties. The cost of producing the special plates is determined by the bureau. A specially designed plate and its registration certificate may be used in place of the regular plate and registration.

[ 2011, c. 356, §4 (NEW) .]

**2. Period of validity.** Honorary consul plates issued pursuant to subsection 1 are valid only while the owner of the plates is authorized to perform consular duties.

[ 2011, c. 356, §4 (NEW) .]

**3. Design.** The Secretary of State shall determine the color, shape, size, lettering and numbering of the honorary consul registration plates issued pursuant to subsection 1, which must bear the words "Honorary Consul."

[ 2011, c. 356, §4 (NEW) .]

#### SECTION HISTORY

2011, c. 356, §4 (NEW).

## §461. RESERVATION OF SAME NUMBER

**1. Plate issue year.** In a year in which new registration plates are issued, the Secretary of State shall reserve until July 1st the same registration number for the succeeding registration year for a person who notifies in writing the Secretary of State prior to May 1st of that person's desire to retain that registration number. The fee for retention of the same registration number is \$15.

The Secretary of State may issue a facsimile plate that is valid for a 90-day period during production of a reserved plate. A facsimile plate must be attached to the rear plate bracket.

If a person does not have a vehicle to register on May 1st, a registration number may be held for a maximum of 2 registration years by depositing with the Secretary of State \$15 for each year; except that the registered owner of an antique vehicle may reserve the antique registration assigned to that person for 4 years by depositing the sum of \$15 for each registration year. These fees are not refundable and may not be applied against the registration fee.

All numbers other than those reserved must be released and issued in rotation after July 1st.

A person wishing to select a number out of rotation may do so by paying the registration fee and a reserved number fee of \$15.

A holder of vanity registration plates must pay the sum of \$15 to reserve those letters or combination of letters and numbers, which is credited toward the renewal fee.

[ 1999, c. 470, §4 (AMD) . ]

**2. Nonplate issue year.** In other than a plate issue year, when a person fails to reregister and the registration remains expired for 6 consecutive months, the reservation of the same number ceases and the number becomes available for reissuance.

For a maximum of 2 registration years, a person may reserve the registration number assigned to that person by depositing with the Secretary of State the sum of \$15 for each year; except that the registered owner of an antique motor vehicle may reserve the antique registration assigned to that person for 4 years by depositing with the Secretary of State the sum of \$15 for each year. A person wishing to select a number out of rotation may do so by paying the registration fee and a reserved number fee of \$15.

[ 1997, c. 776, §11 (AMD) . ]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §B5 (AMD). 1995, c. 645, §C6 (AMD). 1995, c. 645, §C16 (AFF). 1997, c. 776, §11 (AMD). 1999, c. 470, §4 (AMD).

## §462. TEMPORARY REGISTRATION PLATES

**1. Temporary plate attachment.** Except a transporter licensee or loaner licensee, a person licensed as a dealer may, on the sale or exchange of a motor vehicle or trailer, attach to its rear a temporary registration plate. For the purposes of this subsection, "loaner licensee" means a person to whom the Secretary of State has granted permission to use loaner plates on vehicles owned by that person for the purpose of loaning those vehicles to customers whose vehicles are being repaired at the licensee's business location.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**2. Payment of fee for temporary registration plate.** The fee for a temporary registration plate is \$1 per plate. A purchaser may operate the motor vehicle or trailer with a temporary registration plate for a period of 14 consecutive days without payment of a regular fee. If the purchaser is a nonresident member of the Armed Services, the purchaser may operate a motor vehicle or trailer for a period of 20 consecutive days

without payment of a regular fee. At the end of this initial period, a resident who is unable to comply with the requirements of chapter 7 or a nonresident who has applied for but has not yet received a registration certificate from a home state may request the Secretary of State to extend this period without charge for an additional 20 days.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**3. Trucks.** A temporary registration plate may not be used on a loaded truck without a written permit from the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**4. Mobile homes.** A temporary registration plate may not be used on a house trailer or mobile home unless the operator of the vehicle possesses the written certificate from the tax collector required by section 1002, subsection 9.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**5. Motorcycle.** A temporary registration plate for a motorcycle must be the same size as the regular motorcycle plate.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**6. Notice of date of expiration.** A person attaching a temporary registration plate to a vehicle sold or exchanged by that person, shall mark on the plate the date of expiration and immediately notify the Secretary of State of the sale or exchange, giving the name and address of the purchaser, the number of the temporary plate and other information as the Secretary of State may require. The date may not be less than one inch in height and must be written with indelible or waterproof ink.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**7. Temporary registration certificate.** When a temporary registration plate is attached to a vehicle, the Secretary of State must furnish the purchaser a certificate of temporary registration.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**8. Trailer transit plate.** A business that delivers or services mobile homes, leases or transports storage trailers or transports light trailers, modular homes or frames for transporting modular homes may apply for a trailer transit license and plate. The transit plate may not be loaned, used in place of registration plates on another vehicle, used for personal reasons or used on the towing vehicle. Issuance of a trailer transit license and plate does not exempt the holder from compliance with any state law or municipal ordinance governing the movement of mobile homes, storage trailers, modular homes or frames for transporting modular homes or light trailers over the highways of this State and does not exempt the holder from required permits or certificates prior to moving the vehicles. Trailer transit plates issued pursuant to this subsection may only be used subject to the following conditions.

A. A storage trailer must be empty during transportation. [ 2001, c. 149, §1 (NEW) . ]

B. A light trailer may be transported with a load appropriate for the light trailer, provided that the load is owned by or in the custody of the transporting business. [ 2001, c. 149, §1 (NEW) . ]

C. A light trailer may be transported with a trailer transit plate only if the business owner or an employee of the business accompanies the vehicle transporting the light trailer. [ 2001, c. 149, §1 (NEW) . ]

Fees for trailer transit licenses and plates are established in section 852. Trailer transit licenses are exempt from section 951, subsection 6.

For purposes of this subsection, "business" means a corporation, firm, partnership, joint venture, sole proprietorship or other commercial entity. For the purposes of this subsection, "modular home" has the same meaning as in Title 30-A, section 4358, subsection 1, paragraph A, subparagraph (2).

[ 2003, c. 132, §1 (AMD) .]

**9. Unavailability.** The Secretary of State, if unable to furnish immediately a plate or marker, may issue a temporary certificate with temporary plates. The certificate must be carried and plates displayed in the same manner as regular certificates and plates.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**10. Prohibition.** A person issued temporary registration plates may not:

A. Attach a plate to a vehicle that the person did not sell, lease or transfer; or [2003, c. 452, Pt. Q, §4 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

B. Provide the plates to another person other than by attachment to a vehicle as authorized by this section. [2003, c. 452, Pt. Q, §4 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

A person who violates this subsection commits a traffic infraction.

[ 2003, c. 452, Pt. Q, §4 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

**11. Records.** A person issued temporary registration plates by the Secretary of State shall maintain a written record of the use or disposal of every plate. The record must be available for inspection by the Secretary of State at the person's place of business. A person who violates this subsection commits a traffic infraction.

[ 2003, c. 452, Pt. Q, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2001, c. 149, §1 (AMD). 2003, c. 132, §1 (AMD). 2003, c. 452, §§Q4,5 (AMD). 2003, c. 452, §X2 (AFF).

## §462-A. TEMPORARY REGISTRATION PERMIT; UNITED STATES ARMED FORCES DEPLOYMENTS; RULES

Upon application to the Secretary of State and evidence of insurance as required by section 402, the Secretary of State may issue a temporary registration permit to a member of the United States Armed Forces authorizing that member to operate a motor vehicle or trailer for a period of 30 days if that member has returned to the State from a deployment outside the continental United States, unless the provisions of section 353 apply. The application required by this section may be completed by an authorized representative of the member of the United States Armed Forces. The Secretary of State may delegate the authority granted under this section and may adopt rules to establish the application criteria. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2011, c. 605, §1 (NEW) .]

#### SECTION HISTORY

2011, c. 605, §1 (NEW).

## §463. DISPOSITION OF REGISTRATION PLATES

**1. Property of State.** Registration plates issued by the Secretary of State continue to be the property of the State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**1-A. Discontinued registration plates.** Notwithstanding subsection 1, a general issue registration plate that is of a design no longer issued by the Secretary of State is the property of the person to whom the plate was issued.

[ 1997, c. 520, §1 (NEW) .]

**2. Expiration upon transfer or assignment.** When the owner of a vehicle transfers or assigns title or interest in a vehicle the registration expires.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Return of registration plate and registration certificate.** When a registration certificate is suspended, revoked, canceled or has expired and the owner has no intention to renew or transfer within 6 months, the owner shall remove the registration plates and forward them, along with the registration certificate, to the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Reassignment of registration number.** The registrant may request that plates and the registration number be assigned in the registrant's name to another vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Unauthorized taking of registration plate.** A person commits a Class E crime if that person steals, takes or carries away, without permission or authority, a registration plate from another person entitled to possession of that plate.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 520, §1 (AMD) .

## §464. UNUSED REGISTRATION PLATES

An owner that returns registration plates with an affidavit stating that those plates have never been used must be refunded the registration fee paid if: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**1. Time limit.** The plates are returned within 120 days of issue; and

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Registration plate unused.** The Secretary of State is satisfied that the plates have never been used.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY



1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §465. LOSS OF REGISTRATION PLATES

**1. Loss of registration plates.** If a registration plate is lost or the number becomes mutilated or illegible, the owner or person in control of the vehicle shall immediately place a temporary substitute number plate bearing the registration number on the vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Conformity with registration plate required.** A temporary plate must conform to the registration plate and be displayed as nearly as possible as a regular registration plate.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Report.** Within 24 hours after loss or mutilation of registration plates, a person shall notify the Secretary of State and apply for new registration plates.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Reissue.** If satisfied as to the truth of the facts stated in the application, the Secretary of State shall supply new registration plates on payment of a fee of \$5 for each plate.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. One of a set.** Whenever one of a set of registration plates is lost and a new set is issued, the remaining plate must be returned to the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Registration plate lost in transit.** If registration plates are lost in transit and the applicant certifies in an affidavit that the plates have not been received, and that if they are received the applicant will return them, the Secretary of State after investigation may furnish the applicant with a 2nd set of plates without additional charge.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Applicability.** This section does not apply to dealers and transporters.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §466. REGISTRATION PLATE EQUIPMENT AND PRODUCTION PROGRAM

The Registration Plate Equipment and Production Program is established as a program within the Highway Fund. One dollar from each registration fee paid in accordance with section 457, 458, 501, 504, 505, 509, 513, 515 or 520 must be paid into the Highway Fund and allocated to the Registration Plate Equipment and Production Program. The Legislature may authorize allocations from the program exclusively for costs relating to the design, production, storage, handling and issuance of registration plates. These costs may include, but are not limited to, the following: the purchase, installation, repair and rebuilding of equipment used in the production or handling of registration plates; materials used in the production, handling and shipping of registration plates; and buildings or space rented, leased or purchased for the production or storage of registration plates or the storage of materials used in the production of plates. Highway Fund

allocations to the Registration Plate Equipment and Production Program may not lapse but must be carried forward to be used for the same purposes. [1995, c. 645, Pt. C, §7 (NEW); 1995, c. 645, Pt. C, §16 (AFF).]

#### SECTION HISTORY

1995, c. 645, §C7 (NEW). 1995, c. 645, §C16 (AFF).

### §467. MORATORIUM ON SPECIALTY PLATES

During the period beginning on July 1, 1996 and ending July 1, 1999, the Secretary of State may not issue any specialty plate of a new design. For the purposes of this section, "specialty plate of a new design" means any plate of a design not authorized under this Title before July 1, 1996. It does not include vanity plates issued in accordance with section 453 or commemorative plates issued in accordance with section 454. [1995, c. 645, Pt. C, §7 (NEW).]

#### SECTION HISTORY

1995, c. 645, §C7 (NEW).

### §468. SPECIALTY PLATE

The Secretary of State may not issue a specialty license plate until the sponsor has met all of the requirements of this section and the proposed specialty license plate legislation as required in subsection 7 is reviewed by the joint standing committee of the Legislature having jurisdiction over transportation matters and approved by the Legislature. For the purposes of this section, "specialty license plate" means a specially designed registration plate that may be used in place of the regular plate and registration for fundraising purposes. The Secretary of State shall administer a specialty license plate in accordance with the following provisions. [2007, c. 383, §5 (AMD).]

**1. Sponsor.** A person must register with the Secretary of State as the sponsor of a specialty license plate.

[ 1997, c. 776, §12 (NEW) .]

**2. Names, signatures and payment.** The Secretary of State may not manufacture an authorized specialty plate unless the sponsor:

A. Provides to the Secretary of State a list with 2,000 names, dated signatures and current plate numbers of supporters who have signed a statement declaring they intend to purchase and display the specialty license plate; and [2007, c. 383, §5 (NEW).]

B. Collects from each supporter who signs the statement an amount of \$25 for each set of plates and provides to the Secretary of State the sum of these contributions in the amount of \$50,000, which is nonrefundable. [2007, c. 383, §5 (NEW).]

The Secretary of State shall deposit the \$50,000 provided under paragraph B in the Specialty License Plate Fund established under section 469.

[ 2007, c. 383, §5 (AMD) .]

**3. Fee.**

[ 2007, c. 383, §5 (RP) .]

**3-A. Credit receipts.** The Secretary of State shall provide 2,000 credit receipts to the sponsor to provide to each supporter that contributed \$25. The credit receipt may be used only to obtain one set of specialty plates.

[ 2007, c. 383, §5 (NEW) .]

**3-B. Registration fee.** The fee for the specialty license plate is in addition to the regular motor vehicle registration fee required by section 501 and the excise tax required by Title 36, section 1482.

[ 2007, c. 383, §5 (NEW) . ]

**4. Minimum number manufactured.** The Secretary of State shall manufacture a minimum of 2,000 specialty license plates for each specialty plate authorized under this section.

[ 1997, c. 776, §12 (NEW) . ]

**5. Design approval.** A sponsor must submit a proposed design for a specialty license plate for approval or modification by the Secretary of State. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design for a specialty license plate prior to manufacture of the plate.

[ 2001, c. 623, §5 (AMD) . ]

**6. Numbering, lettering and duplicate plates.** Except as provided in section 456-C, the Secretary of State shall issue a specialty license plate in a 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

[ 2007, c. 695, Pt. A, §33 (AMD) . ]

**7. Deadline for Secretary of State approval.** The sponsor must submit to the Secretary of State the names, signatures, payment and proposed design for the specialty license plate by September 1st. The signatures must have been collected within 2 years of submission to the Secretary of State. If the design is approved pursuant to subsection 5, the Secretary of State shall submit proposed legislation seeking authorization of the specialty license plate to the following regular session of the Legislature.

[ 2007, c. 383, §5 (AMD) . ]

**8. Weight limit.** A specialty license plate may be issued for an automobile or pickup truck that does not exceed 10,000 pounds.

[ 2007, c. 383, §5 (AMD) . ]

**9. Limit on authorization.** The Secretary of State shall retire and cease to issue any plate authorized after January 1, 2007 upon the occurrence of the earlier of:

A. When the number of sets of the plate issued falls below 4,000 for more than one year; and [ 2007, c. 383, §5 (NEW) . ]

B. Ten years after the date of authorization. [ 2007, c. 383, §5 (NEW) . ]

[ 2007, c. 383, §5 (NEW) . ]

**10. Additional versions or classes of the specialty plate.** The Secretary of State may issue a specialty plate in a motorcycle, trailer or commercial vehicle class if:

A. At least 10,000 sets of the specialty plate have been issued for automobiles and pickup trucks; [ 2011, c. 356, §5 (NEW) . ]

B. The sponsor of the specialty plate under this subsection provides a list of 500 names, dated signatures and current plate numbers of supporters who have signed a statement declaring they intend to purchase and display the motorcycle, trailer or commercial vehicle class of specialty license plate; and [ 2013, c. 66, §1 (AMD) . ]

C. The sponsor collects from each supporter who signs the statement under paragraph B a contribution of \$25 for each set of plates and provides to the Secretary of State the sum of these contributions in the amount of \$12,500, which is nonrefundable. [2011, c. 356, §5 (NEW).]

Upon receipt of the \$12,500 provided under paragraph C, the Secretary of State shall prepare enabling legislation and a proposed plate design for submission to the Legislature and shall deposit the \$12,500 in the Specialty License Plate Fund established under section 469.

[2013, c. 66, §1 (AMD).]

#### SECTION HISTORY

1997, c. 776, §12 (NEW). 2001, c. 623, §5 (AMD). 2003, c. 652, §B1 (AMD). 2003, c. 652, §B8 (AFF). 2007, c. 240, Pt. LLLL, §3 (AMD). 2007, c. 383, §5 (AMD). 2007, c. 695, Pt. A, §33 (AMD). 2011, c. 356, §5 (AMD). 2013, c. 66, §1 (AMD).

### §468-A. RECOGNITION LICENSE PLATES

The Secretary of State may not issue a recognition license plate until the sponsor has met all of the requirements of this section and the proposed recognition license plate legislation as required by subsection 8 is reviewed by the joint standing committee of the Legislature having jurisdiction over transportation matters and approved by the Legislature. The Secretary of State shall administer a recognition license plate in accordance with this section. [2007, c. 383, §6 (AMD).]

**1. Definition.** "Recognition license plate" means a specially designed registration plate that may be used in place of the regular plate and registration for recognition purposes only and is not used for fundraising purposes.

[2003, c. 652, Pt. B, §2 (NEW); 2003, c. 652, Pt. B, §8 (AFF).]

**2. Sponsor.** A person shall register with the Secretary of State as the sponsor of a recognition license plate.

[2003, c. 652, Pt. B, §2 (NEW); 2003, c. 652, Pt. B, §8 (AFF).]

**3. Names, signatures and payment.** The Secretary of State may not manufacture an authorized recognition license plate unless a sponsor:

A. Provides to the Secretary of State a list with 2,000 names, dated signatures and current plate numbers of supporters who have signed a statement declaring they intend to purchase and display the recognition license plate; and [2007, c. 383, §6 (NEW).]

B. Collects from each supporter who signs the statement an amount of \$25 for each set of plates and provides the Secretary of State the sum of these contributions in the amount of \$50,000, which is nonrefundable. [2007, c. 383, §6 (NEW).]

The Secretary of State shall deposit the \$50,000 provided under paragraph B into the Specialty License Plate Fund established under section 469.

[2007, c. 383, §6 (AMD).]

**3-A. Credit receipts.** The Secretary of State shall provide 2,000 credit receipts to the sponsor to provide to each supporter that contributed \$25. The credit receipt may be used only to obtain one set of specialty plates.

[2007, c. 383, §6 (NEW).]

**4. Registration fee.** The fee for the recognition license plate is in addition to the regular motor vehicle registration fee required by section 501 and the excise tax required by Title 36, section 1482.

[ 2007, c. 383, §6 (AMD) . ]

**5. Minimum number manufactured.** The Secretary of State shall manufacture a minimum of 2,000 recognition license plates for each recognition license plate authorized under this section.

[ 2003, c. 652, Pt. B, §2 (NEW); 2003, c. 652, Pt. B, §8 (AFF) . ]

**6. Design approval.** A sponsor must submit a proposed design for a recognition license plate for approval or modification by the Secretary of State. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design for a recognition license plate prior to the manufacture of the plate.

[ 2003, c. 652, Pt. B, §2 (NEW); 2003, c. 652, Pt. B, §8 (AFF) . ]

**7. Duplicate plates.** The Secretary of State shall issue a recognition license plate in a 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

[ 2003, c. 652, Pt. B, §2 (NEW); 2003, c. 652, Pt. B, §8 (AFF) . ]

**8. Deadline for Secretary of State approval.** The sponsor shall submit to the Secretary of State the names, signatures, payment and proposed design for the recognition license plate by September 1st. The signatures must have been collected within 2 years of submission to the Secretary of State. If the design is approved pursuant to subsection 6, the Secretary of State shall submit proposed legislation seeking authorization of the recognition license plate to the following regular session of the Legislature.

[ 2007, c. 383, §6 (AMD) . ]

**9. Weight limit.** A recognition license plate may not be issued for an automobile or pickup truck that weighs more than 10,000 pounds.

[ 2007, c. 383, §6 (AMD) . ]

**10. Limit on authorization.** The Secretary of State shall retire and cease to issue any plate authorized after January 1, 2007 upon the occurrence of the earlier of:

A. When the number of sets of the plate issued falls below 4,000 for more than one year; and [ 2007, c. 383, §6 (NEW) . ]

B. Ten years after the date of authorization. [ 2007, c. 383, §6 (NEW) . ]

[ 2007, c. 383, §6 (NEW) . ]

**11. Additional versions or classes of the recognition plate.** All requirements set forth in this section must be followed for each additional class or version of a recognition plate.

[ 2007, c. 383, §6 (NEW) . ]

#### SECTION HISTORY

2003, c. 652, §B2 (NEW). 2003, c. 652, §B8 (AFF). 2007, c. 383, §6 (AMD) .

## §469. SPECIALTY LICENSE PLATE FUND

**1. Fund created.** The Specialty License Plate Fund is established as a dedicated nonlapsing fund. The fund is administered by the Secretary of State.

[ 1997, c. 776, §12 (NEW) .]

**2. Purpose.** Except as specified under section 468-A, subsection 3, all money credited to the Specialty License Plate Fund must be used to cover the cost of manufacturing and producing a specialty or recognition license plate authorized pursuant to sections 468 and 468-A.

[ 2003, c. 652, Pt. B, §3 (AMD); 2003, c. 652, Pt. B, §8 (AFF) .]

### SECTION HISTORY

1997, c. 776, §12 (NEW). 2001, c. 623, §6 (AMD). 2003, c. 652, §B3 (AMD). 2003, c. 652, §B8 (AFF).

## §470. EXPERIMENTAL MOTOR VEHICLE PLATES AND REGISTRATION

**1. Definition.** "Experimental motor vehicle" means any motor vehicle in the developmental stage that has not yet reached production.

[ 2003, c. 125, §1 (NEW) .]

**2. Inspection and equipment.** An experimental motor vehicle is exempt from inspection requirements under section 1751 but must comply with the equipment standards of chapter 17 to include at a minimum: body components, an exhaust system, reflectors, running gear, tires, a horn, lights, directional signals, brakes, a steering mechanism, windshield wipers, safety seat belts and rearview mirrors.

[ 2003, c. 125, §1 (NEW) .]

**3. Experimental motor vehicle inventor registration.** A person in the business of developing experimental motor vehicles shall register with the Secretary of State as an experimental motor vehicle inventor. The Secretary of State shall develop and implement an application process, including but not limited to name, address and description and photographs of the experimental motor vehicle in development.

[ 2003, c. 125, §1 (NEW) .]

**4. Experimental motor vehicle plate.** The Secretary of State shall issue a registration plate for an experimental motor vehicle to a registered experimental motor vehicle inventor. This plate may be used for one or more experimental motor vehicles during the term of the registration provided that those vehicles are owned by the person issued the registration plate. The Secretary of State may issue no more than 2 plates per registered experimental motor vehicle inventor. The registration for an experimental motor vehicle must be renewed annually.

[ 2003, c. 125, §1 (NEW) .]

**5. Fee.** The Secretary of State shall charge an annual fee of \$20 for each plate issued under this section.

[ 2003, c. 125, §1 (NEW) .]

**6. Insurance.** The Secretary of State may not issue an experimental motor vehicle registration plate until the applicant has procured and filed with the Secretary of State a certificate showing that the applicant is covered by an automobile bodily injury and property damage liability insurance policy providing coverage against any legal liability when injury, death or damage results from or has been caused by the operation of any vehicle bearing an experimental motor vehicle registration plate.

[ 2003, c. 125, §1 (NEW) . ]

**7. Limitations on use.** A person may not operate an experimental motor vehicle on a public way with a posted speed limit that exceeds the capability of that vehicle to achieve and safely maintain that speed. Experimental motor vehicles are prohibited from operation on the interstate highway system and Maine Turnpike at all times. A person may operate an experimental motor vehicle only in daylight hours.

[ 2003, c. 125, §1 (NEW) . ]

**8. Rulemaking.** The Secretary of State shall adopt rules to establish the application criteria and process by which a person may qualify to receive an experimental motor vehicle registration plate. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2003, c. 125, §1 (NEW) . ]

**9. Violations.** The operation of any motor vehicle registered under this section that is not in compliance with this section is a traffic infraction.

[ 2003, c. 125, §1 (NEW) . ]

#### SECTION HISTORY

2003, c. 125, §1 (NEW) .

## Article 4: REGISTRATION PROVISIONS

### §501. FEES FOR REGISTRATION; MOTOR VEHICLES

The annual fees for the registration of motor vehicles must accompany the application for registration and are as follows. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**1. Automobiles; pickup trucks.** The fee for an automobile, a pickup truck registered for 6,000 pounds or less or a sport utility vehicle used for the conveyance of passengers or interchangeably for passengers or property is \$35. The fee for a pickup truck registered for more than 6,000 pounds but no more than 10,000 pounds is \$37.

An automobile or sport utility vehicle used for the conveyance of passengers or property is a "combination" vehicle and may be issued a special plate with the word "combination" instead of "Vacationland." A passenger vehicle used under contract with the State, a municipality or a school district to transport students must be designated as "combination." A vehicle owned or operated by parents or legal guardians is exempt from this subsection.

Commercial plates may not be issued for or displayed on an automobile.

A sport utility vehicle may be registered either as an automobile or a truck. A sport utility vehicle with a gross vehicle weight or combined gross vehicle weight in excess of 10,000 pounds and used in the furtherance of a commercial enterprise must be registered as a truck according to its actual gross weight as provided in section 504.

The gross weight of a pickup truck registered as provided by this subsection may not exceed 10,000 pounds. An owner of a pickup truck who operates the pickup truck with a gross weight in excess of 10,000 pounds or the pickup truck drawing a semitrailer with a combined gross weight in excess of 10,000 pounds must register the truck as provided in section 504.

A combination of vehicles consisting of a motor vehicle and a camp trailer is not required to be registered for the gross weight of the combination.

Beginning July 1, 2009, \$10 of the fee must be transferred on a quarterly basis by the Treasurer of State to the TransCap Trust Fund established by Title 30-A, section 6006-G.

[ 2015, c. 206, §4 (AMD) .]

## **2. Island vehicles.**

[ 1999, c. 660, §2 (RP) .]

**2-A. Island vehicles, golf carts and low-speed vehicles.** The following provisions apply to vehicles operating on islands that have no public ways maintained or supported by the State.

A. Notwithstanding subsection 1, an automobile may be registered for an annual fee of \$4. A low-speed vehicle or golf cart may be registered for an annual fee of \$4. The registrant must show evidence of payment of the excise tax required by Title 36, section 1482. The municipality may collect an additional \$4 fee annually to defray the cost of removing abandoned vehicles or golf carts. [ 2001, c. 197, §4 (AMD) .]

B. A low-speed vehicle or golf cart may be operated on an island if the governing body of the municipality allows. A low-speed vehicle or golf cart may be operated only on a road or street where the posted speed limit is 35 miles per hour or less. A low-speed vehicle or golf cart may cross, at an intersection, a road or street with a posted speed limit of more than 35 miles per hour. [ 2001, c. 197, §4 (AMD) .]

C. Any person operating a low-speed vehicle or a golf cart on an island must possess a valid driving license in any class. [ 2001, c. 197, §4 (AMD) .]

[ 2001, c. 197, §4 (AMD) .]

**3. Passenger vehicles for hire.** The fee for a passenger vehicle used for hire is double the fee provided in subsection 1, except that for a passenger vehicle used for hire that is equipped with adaptive equipment to make that vehicle accessible by a person with a disability the fee is the same fee provided in subsection 1. The Secretary of State may issue a 2nd registration for the same vehicle at no additional fee.

[ 2015, c. 267, Pt. BBBB, §1 (AMD) .]

**4. Funeral coaches.** The fee for a private automobile, funeral coach or funeral hearse, used by a licensed practitioner of funeral services under Title 32, chapter 21, is the fee provided in subsection 1. The fee for a funeral coach or funeral hearse used for hire for any other purpose is the same as the fee provided in subsection 3.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. School vehicles.** The fee for a motor vehicle used only to transport school children to and from school is the same as the fee in subsection 1.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]



## 6. Buses.

[ 2011, c. 356, §7 (RP) .]

**7. Temporary registration permit.** The Secretary of State may issue a temporary registration permit for the purpose of moving certain vehicles otherwise required to be registered as follows.

A. A temporary registration permit is for one trip only:

(1) Between the points of origin and destination and intermediate points, as set forth in the permit;  
or

(2) From the point of origin to the destination and back to the point of origin, including any intermediate points, as set forth in the permit. [2007, c. 177, §1 (RPR) .]

B. A temporary registration permit is for the transit of the vehicle only. The vehicle may not be used for the transportation of passengers or property, for compensation or otherwise, unless specifically authorized on the temporary registration permit. If the vehicle is a chartered bus that is not covered by a reciprocity agreement with the state or country of registration, the Secretary of State may authorize transportation of passengers. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

C. The Secretary of State may not issue a temporary registration permit that is valid for longer than 10 days from the effective date of the registration. [2007, c. 177, §2 (AMD) .]

D. The fee for a temporary registration permit issued under paragraph A, subparagraph (1) is \$12. The fee for a temporary registration permit issued under paragraph A, subparagraph (2) is \$25. [2007, c. 177, §3 (AMD) .]

E. The temporary registration permit must be carried in the vehicle at all times. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

F. A person who operates or moves a vehicle outside the routes specified in the temporary registration permit commits a traffic infraction and may not be fined less than \$25 nor more than \$200. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

G. The Secretary of State may issue unassigned temporary registration permits to a vehicle auction business licensed under section 1051 to allow the movement of a vehicle sold to a dealer. [2011, c. 556, §4 (NEW) .]

[ 2011, c. 556, §4 (AMD) .]

**8. Special permit.** The Secretary of State may issue, on application and the payment of a fee of \$4, a special registration permit authorizing the limited operation on the highway of self-propelled golf carts, lawn mowers, ATV's and other similar vehicles with restrictions and limitations of use that minimize the danger to the operator. The following provisions apply to special registration permits.

A. A special registration permit is valid until March 1st of the next calendar year. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. A driver's license is not required for operation under this subsection. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

C. Vehicles registered under this subsection are exempt from the laws regulating the inspection of motor vehicles. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

D. A person under the age of 15 years may not operate a vehicle under this subsection on a public way. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

E. Operation of an ATV is limited to agricultural purposes in connection with a farm and to operation from or to the premises where kept, from or to a farm lot or between farm lots used for farm purposes by the ATV owner. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1999, c. 790, Pt. C, §6 (AMD); 1999, c. 790, Pt. C, §19 (AFF) .]

**9. Attached vehicles.** A deputy sheriff with a writ of attachment may move the attached motor vehicle to a place of storage without registration or registration permit as long as the county has insurance as required by chapter 13.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**10. Off-highway vehicles.** The Secretary of State may issue, on application and the payment of a fee of \$27, a special registration permit authorizing the limited operation on a way of trucks, truck tractors, Class B special mobile equipment, trailers and semitrailers that are otherwise used exclusively for off-highway purposes. The following provisions apply to registration permits issued pursuant to this subsection.

A. A registration permit may not be granted unless the applicant presents a written certificate from the tax collector of the municipality from which the vehicle is being moved identifying the vehicle and stating that all personal property taxes applicable to the vehicle, including those for the current year, have been paid or that the vehicle is exempt from those taxes. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Highway use is limited to travel to and from garages for the purpose of obtaining repairs or maintenance or travel from one job site to another job site. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The registration permit may not authorize transporting property or passengers, except that a truck or truck tractor may draw an empty trailer or semitrailer. [2007, c. 38, §1 (AMD).]

D. A registration permit is valid until March 1st of the next calendar year. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. A vehicle issued a registration permit pursuant to this subsection is exempt from inspection requirements. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. The registration permit must be in the vehicle when the vehicle is operated on the highway. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

G. Trailers and semitrailers must be moved during daytime hours. [2007, c. 38, §1 (NEW).]

[ 2007, c. 38, §1 (AMD) .]

**11. Low-speed vehicles.** The Secretary of State may issue a registration for a low-speed vehicle upon application and payment of an annual fee of \$25. The registrant must provide a certificate of title required by section 651, proof of financial responsibility required by section 1601 and evidence of payment of the excise tax required by Title 36, section 1482. A low-speed vehicle registered under this section is issued a registration plate with the word "low-speed" instead of "Vacationland." The Secretary of State may issue a facsimile plate for a 60-day period.

[ 2003, c. 397, §3 (NEW) .]

## **12. Autocycles.**

[ 2009, c. 55, §2 (NEW); T. 29-A, §501, sub-§12 (RP) .]

**12-A. Autocycles.**

[ 2011, c. 556, §5 (NEW); T. 29-A, §501, sub-§12-A (RP) .]

**SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §§A89,C3 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 645, §C8 (AMD). 1995, c. 645, §C16 (AFF). 1997, c. 437, §8 (AMD). 1999, c. 660, §§2,3 (AMD). 1999, c. 790, §§C3-7 (AMD). 1999, c. 790, §C19 (AFF). 2001, c. 197, §4 (AMD). 2003, c. 397, §3 (AMD). 2007, c. 38, §1 (AMD). 2007, c. 177, §§1-3 (AMD). 2007, c. 383, §7 (AMD). 2007, c. 647, §2 (AMD). 2007, c. 647, §8 (AFF). 2009, c. 55, §2 (AMD). 2011, c. 356, §§6, 7 (AMD). 2011, c. 556, §§4, 5 (AMD). 2015, c. 206, §4 (AMD). 2015, c. 267, Pt. BBBB, §1 (AMD).

**§502. TRANSFER AND RETURN OF REGISTRATION; PRORATED REGISTRATION FEES**

**1. Transferring registration.** A person who transfers the ownership or discontinues the use of a registered motor vehicle, trailer or semitrailer and applies for registration of another motor vehicle, trailer or semitrailer in the same registration year may use the same number plates on payment of a transfer fee of \$8, as long as the registration fee is the same as that of the former vehicle. If the fee for the vehicle to be registered is greater than the fee for the vehicle first registered, that person must also pay the difference. If application is made for a truck camper or a trailer with a gross weight of 2,000 pounds or less, the transfer fee is \$5.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Return of registration.**

[ 2009, c. 598, §2 (RP) .]

**3. Refunds; credits.** No portion of a fee is refundable, but credits toward the registration of another vehicle may be given. On registration by an owner or owner's surviving spouse, a credit is allowed as follows.

A. For the first 8 months of a registration year, the full fee may be credited toward the registration of another vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. For the last 4 months of a registration year, an amount not to exceed 1/2 of the original fee may be credited toward the registration of another vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Prorated fee.** On any application for registration made during the last 4 months of a registration year, the registration fee is 1/2 the annual registration fee.

[ 1995, c. 482, Pt. B, §7 (NEW) .]

**SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §§B6,7 (AMD). 2009, c. 598, §2 (AMD).

## §503. MISCELLANEOUS REGISTRATION FEES

Fees for certain replacement plates, registration validation devices and new registration plates are as follows. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Replacements.** Replacement registration plates are furnished to replace lost or mutilated plates or plates assigned to the registrant that have not been expired for more than 8 months. The fee for each plate is \$5.

Replacement registration validation devices for number plates or truck campers are furnished for 50¢ each.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. New issues.** For each new registration plate issued pursuant to section 451, the Secretary of State shall collect a fee of \$1 and the municipal agent shall collect another \$1 fee in addition to any other registration fees.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §504. REGISTRATION OF TRUCKS AND TRUCK TRACTORS

**1. Truck or truck tractor.** For a truck or truck tractor equipped with pneumatic tires, the following annual registration fee schedule applies.

A. For gross weight from 0 to 6,000 pounds, the fee is \$35.

Beginning July 1, 2009, \$10 of the fee must be transferred on a quarterly basis by the Treasurer of State to the TransCap Trust Fund established by Title 30-A, section 6006-G. [2007, c. 647, §3 (AMD); 2007, c. 647, §8 (AFF).]

B. For gross weight from 6,001 to 10,000 pounds, the fee is \$37. [2007, c. 383, §8 (AMD).]

C. For gross weight from 10,001 to 12,000 pounds, the fee is \$48. [2007, c. 383, §9 (AMD).]

D. For gross weight from 12,001 to 14,000 pounds, the fee is \$81. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]

E. For gross weight from 14,001 to 16,000 pounds, the fee is \$105. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]

F. For gross weight from 16,001 to 18,000 pounds, the fee is \$130. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]

G. For gross weight from 18,001 to 20,000 pounds, the fee is \$161. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]

H. For gross weight from 20,001 to 23,000 pounds, the fee is \$188. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]

I. For gross weight from 23,001 to 26,000 pounds, the fee is \$220. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]

J. For gross weight from 26,001 to 28,000 pounds, the fee is \$267. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]

K. For gross weight from 28,001 to 32,000 pounds, the fee is \$308. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]

- L. For gross weight from 32,001 to 34,000 pounds, the fee is \$342. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]
- M. For gross weight from 34,001 to 38,000 pounds, the fee is \$379. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]
- N. For gross weight from 38,001 to 40,000 pounds, the fee is \$403. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]
- O. For gross weight from 40,001 to 42,000 pounds, the fee is \$426. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]
- P. For gross weight from 42,001 to 45,000 pounds, the fee is \$450. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]
- Q. For gross weight from 45,001 to 48,000 pounds, the fee is \$497. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]
- R. For gross weight from 48,001 to 51,000 pounds, the fee is \$533. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]
- S. For gross weight from 51,001 to 54,000 pounds, the fee is \$568. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]
- T. For gross weight from 54,001 to 55,000 pounds, the fee is \$580. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]
- U. For gross weight from 55,001 to 60,000 pounds, the fee is \$640. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]
- V. For gross weight from 60,001 to 65,000 pounds, the fee is \$699. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]
- W. For gross weight from 65,001 to 69,000 pounds, the fee is \$762. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]
- X. For gross weight from 69,001 to 72,000 pounds, the fee is \$797. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]
- Y. For gross weight from 72,001 to 75,000 pounds, the fee is \$821. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]
- Z. For gross weight from 75,001 to 78,000 pounds, the fee is \$857. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]
- AA. For gross weight from 78,001 to 80,000 pounds, the fee is \$877. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]
- BB. For gross weight from 80,001 to 90,000 pounds, the fee is \$982. [1999, c. 790, Pt. C, §8 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]
- CC. For gross weight from 90,001 to 94,000 pounds, the fee is \$1,026. [1999, c. 580, §2 (NEW); 1999, c. 580, §14 (AFF).]
- DD. For gross weight from 94,001 to 100,000 pounds, the fee is \$1,234. [1999, c. 580, §2 (NEW); 1999, c. 580, §14 (AFF).]

[ 2007, c. 647, §3 (AMD); 2007, c. 647, §8 (AFF) .]

**2. Credit for certain motor vehicles.** If a motor vehicle registered for a gross weight of 23,001 pounds or more is operated only in the truck tractor-semitrailer configuration, a credit of \$40 is allowed for the original annual registration fee. The owner of the vehicle must be issued a truck tractor registration plate, which must be displayed on its front.

[ 2015, c. 473, §8 (AMD) .]

**3. On ways adjoining premises.** A registration or license is not required for the use of a truck, trailer or tractor on that part of a way adjoining the premises of the vehicle's owner.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Federal heavy vehicle use tax; proof of payment required.** Except as provided by 26 Code of Federal Regulations, Section 41.6001-2(b)(3), a registration certificate may not be issued for a motor vehicle subject to the use tax imposed by the Internal Revenue Code of 1986, 26 United States Code, Section 4481, until the applicant has presented proof of payment as prescribed by the Secretary of the United States Treasury.

The Secretary of State shall keep records and may issue evidence to comply with 26 Code of Federal Regulations, Part 41, revised as of May 23, 1985, and the Internal Revenue Code of 1986, 26 United States Code, Sections 4481, 4482 and 4483.

Pursuant to rule, the Secretary of State may certify that a vehicle qualifies for exemptions under 26 Code of Federal Regulations, Section 41.4483-3(g) or Section 41.4483-6(b), revised as of May 23, 1985.

[ 1995, c. 65, Pt. A, §90 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

**5. Truck or truck tractor and semitrailer.** In computing fees for a combination of truck or truck tractor and semitrailer, the vehicle to be registered for gross weight is the truck or truck tractor and the rate is the same as for a truck of similar gross vehicle weight. The gross weight used to determine the registration fee under subsection 1 is the combined gross weight of the truck or truck tractor and semitrailer.

[ 1995, c. 584, Pt. A, §1 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A90 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 584, §A1 (AMD). 1995, c. 645, §C9 (AMD). 1995, c. 645, §C16 (AFF). 1999, c. 580, §2 (AMD). 1999, c. 580, §14 (AFF). 1999, c. 790, §C8 (AMD). 1999, c. 790, §C19 (AFF). 2007, c. 383, §§8, 9 (AMD). 2007, c. 647, §3 (AMD). 2007, c. 647, §8 (AFF). 2015, c. 473, §8 (AMD).

## §505. FARM TRUCKS

**1. Definition.** For purposes of this section, "farm truck" means a truck equipped with axles other than dolly axles under section 1902, subsection 4, or a farm truck towing a trailer or semitrailer when that truck is used primarily for transportation of agricultural commodities, supplies or equipment for a farm owned, operated or occupied by the registrant. "Farm truck" does not include a truck used for the retail delivery of milk or used on a substantially daily delivery schedule on established routes.

### 2. Annual registration fee.

[ 2001, c. 671, §7 (RP) .]

**2-A. Annual registration fee.** For a farm truck, the following annual registration fee schedule applies.

A. For gross weight from 0 to 6,000 pounds, the fee is \$21. [2001, c. 671, §8 (NEW) .]

B. For gross weight from 6,001 to 10,000 pounds, the fee is \$27. [2007, c. 383, §10 (AMD) .]

C. For gross weight from 10,001 to 12,000 pounds, the fee is \$32. [2007, c. 383, §11 (AMD) .]

D. For gross weight from 12,001 to 14,000 pounds, the fee is \$39. [2001, c. 671, §8 (NEW) .]

- E. For gross weight from 14,001 to 16,000 pounds, the fee is \$50. [ 2001, c. 671, §8 (NEW) . ]
- F. For gross weight from 16,001 to 18,000 pounds, the fee is \$72. [ 2001, c. 671, §8 (NEW) . ]
- G. For gross weight from 18,001 to 20,000 pounds, the fee is \$84. [ 2001, c. 671, §8 (NEW) . ]
- H. For gross weight from 20,001 to 23,000 pounds, the fee is \$101. [ 2001, c. 671, §8 (NEW) . ]
- I. For gross weight from 23,001 to 26,000 pounds, the fee is \$119. [ 2001, c. 671, §8 (NEW) . ]
- J. For gross weight from 26,001 to 28,000 pounds, the fee is \$137. [ 2001, c. 671, §8 (NEW) . ]
- K. For gross weight from 28,001 to 32,000 pounds, the fee is \$166. [ 2001, c. 671, §8 (NEW) . ]
- L. For gross weight from 32,001 to 34,000 pounds, the fee is \$217. [ 2001, c. 671, §8 (NEW) . ]
- M. For gross weight from 34,001 to 38,000 pounds, the fee is \$265. [ 2001, c. 671, §8 (NEW) . ]
- N. For gross weight from 38,001 to 40,000 pounds, the fee is \$276. [ 2001, c. 671, §8 (NEW) . ]
- O. For gross weight from 40,001 to 42,000 pounds, the fee is \$288. [ 2001, c. 671, §8 (NEW) . ]
- P. For gross weight from 42,001 to 45,000 pounds, the fee is \$305. [ 2001, c. 671, §8 (NEW) . ]
- Q. For gross weight from 45,001 to 48,000 pounds, the fee is \$322. [ 2001, c. 671, §8 (NEW) . ]
- R. For gross weight from 48,001 to 51,000 pounds, the fee is \$340. [ 2001, c. 671, §8 (NEW) . ]
- S. For gross weight from 51,001 to 54,000 pounds, the fee is \$357. [ 2001, c. 671, §8 (NEW) . ]
- T. For gross weight from 54,001 to 55,000 pounds, the fee is \$365. [ 2001, c. 671, §8 (NEW) . ]
- U. For gross weight from 55,001 to 60,000 pounds, the fee is \$394. [ 2001, c. 671, §8 (NEW) . ]
- V. For gross weight from 60,001 to 65,000 pounds, the fee is \$441. [ 2001, c. 671, §8 (NEW) . ]
- W. For gross weight from 65,001 to 69,000 pounds, the fee is \$469. [ 2001, c. 671, §8 (NEW) . ]

[ 2007, c. 383, §§10, 11 (AMD) . ]

**3. Maximum weight.** The maximum registered weight of a farm truck is 69,000 pounds, including product. The fine for exceeding the registered gross weight of a farm truck is the difference between the fee for a farm truck and a commercially registered truck or truck tractor within the category of the actual weight at the time of the violation.

[ 1999, c. 472, §2 (AMD) . ]

**4. Special registration plates.** The Secretary of State shall issue registration plates to distinguish a farm truck from a commercial vehicle. A farm truck may be driven with that registration only if the vehicle is used primarily for the transportation of agricultural products for a farm owned, operated or occupied by the registrant and may not be used for the transportation of firewood, unless that transportation is incidental to other farm operations.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Violation.** A person commits a traffic infraction with a penalty of not less than \$100 nor more than \$500 if that person:

A. Fraudulently obtains a farm truck registration; or [2003, c. 452, Pt. Q, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Uses a farm truck registration for a purpose other than authorized by this section. [2003, c. 452, Pt. Q, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. Q, §6 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**6. Additional fee; tire type.** The fee for registering a farm truck equipped with 2 or more solid tires is 33 1/3% more than the fee required for a vehicle equipped with pneumatic tires.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Prorated fee; transportation of owner's agricultural produce.** For a farm truck, 1/2 the registration fee must be charged during the last 6 months of a registration year.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Temporary registered class weight increase.** Farm trucks registered under this section may receive a temporary registered class weight increase by paying a percentage of the difference between the amount paid for farm truck registration and the annual fee for the desired gross weight in accordance with the permit table contained in section 507.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §C10 (AMD). 1995, c. 645, §C16 (AFF). 1999, c. 472, §§1,2 (AMD). 1999, c. 790, §C9 (AMD). 1999, c. 790, §C19 (AFF). 2001, c. 671, §§7,8 (AMD). 2003, c. 452, §Q6 (AMD). 2003, c. 452, §X2 (AFF). 2007, c. 383, §§10, 11 (AMD).

## §506. REGISTRATION FEE FOR MOTOR HOMES

The annual fee for registration of motor homes is the same as for farm trucks. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

The Secretary of State may select and issue a special distinguishing letter, mark or design for registration plates issued to motor homes. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).



## §507. TEMPORARY REGISTERED GROSS WEIGHT INCREASE

When a truck is properly base registered in this State, the registrant may increase the registered gross vehicle weight of the truck upon application and payment of the proper fee. Temporary registered gross weight increases may be issued by the Bureau of Motor Vehicles, the Bureau of the State Police or by any agent appointed by the Secretary of State who has been appointed for that specific purpose. [2015, c. 473, §9 (AMD).]

Temporary registered gross weight increases must be issued for at least one month and may not exceed 8 months. A temporary registered gross weight increase may not extend beyond the expiration of the regular registration. [1999, c. 466, §1 (AMD).]

The fee for a temporary registered gross weight increase is the difference between the annual fee for the original registration and the annual fee for the desired temporary registered gross weight multiplied by the percentage in the following table:

One month	20%
2 months	30%
3 months	40%
4 months	50%
5 months	60%
6 months	70%
7 months	75%
8 months	80% [1999, c. 466, §1 (AMD).]

Vehicles base registered in this State pursuant to the International Registration Plan may be issued a temporary registered gross weight increase pursuant to this section. The fee is not apportionable, and the temporary registered gross weight increase is valid only in this State or in a jurisdiction not a member of the International Registration Plan. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

The Secretary of State is authorized to issue temporary registered gross weight increases by facsimile means. The Secretary of State may make such provisions as the Secretary of State considers necessary to ensure the integrity of facsimile documents. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §B3 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1999, c. 466, §1 (AMD). 2015, c. 473, §9 (AMD).

## §508. TRUCK CAMPERS

Upon receiving an application and the payment of a fee of \$12, the Secretary of State may issue an annual registration permit for truck campers. [1999, c. 790, Pt. C, §10 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]

A resident person, firm or corporation, or owner as defined in section 101, subsection 50, who fails to register a truck camper commits a traffic infraction with a minimum fine of \$100. A registration permit is not required for the 14-day period immediately following the purchase of a truck camper from a person who is engaged in the business of selling truck campers. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 790, §C10 (AMD). 1999, c. 790, §C19 (AFF).

## §509. TRACTORS

**1. Tractors.** The annual fee for the registration of a tractor must accompany an application for registration and is as follows.

Tractors equipped with:

- A. Pneumatic tires, 25¢ per horsepower and 25¢ per 100 pounds of weight; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- B. Solid rubber tires, 25¢ per horsepower and 50¢ per 100 pounds of weight; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- C. Iron, steel or other hard tires, 25¢ per horsepower and 80¢ per 100 pounds of weight. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

The minimum fee is \$5.

[ 1999, c. 790, Pt. C, §11 (AMD); 1999, c. 790, Pt. C, §19 (AFF) .]

**2. Tractors used for farming.** The fee for a tractor used for agricultural purposes or not customarily used on public ways is \$5, except as provided in section 510, subsection 1.

[ 1999, c. 790, Pt. C, §11 (AMD); 1999, c. 790, Pt. C, §19 (AFF) .]

**3. Old homemade tractors used for farming.** The fee for a homemade tractor used for agricultural purposes with motor and chassis at least 10 years old that has a body capacity of not more than 1 1/2 cubic yards and that is used exclusively for agricultural purposes is \$5. Such a vehicle may not be operated on the highway more than 10 miles from the place where the vehicle is customarily kept.

[ 1999, c. 790, Pt. C, §11 (AMD); 1999, c. 790, Pt. C, §19 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §C11 (AMD). 1995, c. 645, §C16 (AFF). 1999, c. 790, §C11 (AMD). 1999, c. 790, §C19 (AFF).

## §510. EXEMPTION FROM REGISTRATION

**1. Tractors used for farming.** Registration or a license is not required for a tractor or trailer used solely for farming purposes when operated to or from:

- A. The premises where kept; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- B. A farm lot and between farm lots, when used for farm purposes; or [2013, c. 496, §5 (AMD).]
- C. A filling station or garage for fuel or repairs. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2013, c. 496, §5 (AMD) .]

**2. Skidder.** Registration is not required for a log skidder used solely for logging purposes when operated to or from:

A. The premises where kept and a woodlot, or between woodlots used for logging purposes; or [ 2013, c. 496, §6 (AMD). ]

B. A filling station or garage for fuel or repairs. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

[ 2013, c. 496, §6 (AMD) . ]

**3. Tractors used for logging.** Registration is not required for a converted motor vehicle used as a tractor when used solely for logging purposes when operated to or from:

A. The premises where the tractor is kept; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

B. A woodlot and between woodlots used for logging purposes; or [ 2013, c. 496, §7 (AMD). ]

C. A filling station or garage for fuel or repairs. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

[ 2013, c. 496, §7 (AMD) . ]

**4. Privilege to operate a tractor or skidder suspended.** If a person's license has been revoked or suspended, that person may not operate a tractor or log skidder on a public way except as provided in subsection 1, paragraphs A and B, subsection 2, paragraph A or subsection 3, paragraphs A and B until the Secretary of State reinstates that person's license or issues to that person another license.

[ 2013, c. 496, §8 (AMD) . ]

**5. Tow dollies.** Registration is not required for a tow dolly.

[ 2011, c. 356, §8 (NEW) . ]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 183, §1 (AMD). 2011, c. 356, §8 (AMD). 2013, c. 496, §§5-8 (AMD).

## §511. TRAILERS AND SEMITRAILERS

**1. Registration fees; trailers and semitrailers.** The following annual registration fee applies to trailers, semitrailers and camp trailers.

A. The fee is \$10.50 for a:

(1) Trailer, camp trailer or semitrailer not exceeding 2,000 pounds gross vehicle weight; or

(3) Mobile home. [1999, c. 790, Pt. C, §12 (AMD); 1999, c. 790, Pt. C, §19 (AFF). ]

B. The fee is \$20 for a camp trailer exceeding 2,000 pounds. [2003, c. 253, §1 (AMD); 2003, c. 253, §5 (AFF). ]

C. The fee is \$20 for a semitrailer exceeding 2,000 pounds. [2003, c. 253, §1 (AMD); 2003, c. 253, §5 (AFF). ]

D. Except as provided in paragraph A, a trailer exceeding 2,000 pounds must be registered on the basis of gross weight in accordance with the schedule under section 504. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

Fees paid under this section and section 512 are administrative fees and nonapportionable. The Secretary of State may collect apportionable fees for trailers and semitrailers pursuant to the International Registration Plan.

Except for camp trailers, registrations under this section may be issued for 2 years for a fee twice that of the annual registration fee.

[ 2003, c. 253, §1 (AMD); 2003, c. 253, §5 (AFF) .]

**2. Exemption for circus and carnival trailers.** Circus and carnival trailers or semitrailers unloaded from railroad cars at the nearest railroad station or railroad siding and hauled to and from circus or carnival grounds are exempt from fees for registration and licensing.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Converted semitrailers.** A semitrailer that is temporarily converted to a full trailer by use of a converter dolly may be registered as a semitrailer.

[ 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §5 (NEW); 1995, c. 65, Pt. C, §15 (AFF) .]

**4. Duplicate registrations for trailers and semitrailers.** At the time of registration, a person registering a trailer or semitrailer that exceeds 2,000 pounds, in accordance with this section or section 512, may apply for and receive a duplicate registration for an additional \$2 fee. This subsection does not apply to camp trailers.

[ 1995, c. 513, §1 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §§B4,5 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 513, §1 (AMD). 1999, c. 790, §§C12,13 (AMD). 1999, c. 790, §C19 (AFF). 2003, c. 253, §1 (AMD). 2003, c. 253, §5 (AFF).

## §512. SEMIPERMANENT AND PERMANENT REGISTRATION PLATES FOR TRAILERS AND SEMITRAILERS

The Secretary of State may establish an 8-year and 12-year semipermanent registration plate program for trailers and semitrailers and a 20-year semipermanent registration plate program and a 25-year permanent registration program for semitrailers and under these programs may issue registration plates of a design determined by the Secretary of State. A person registering a semitrailer in accordance with this section may register a semitrailer for fewer than 5 years only to maintain a common expiration date for a fleet. [1997, c. 776, §14 (AMD).]

The Secretary of State may establish rules for the extension of registrations issued pursuant to this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2007, c. 703, §11 (RPR).]

A nonresident registrant shall designate a resident agent for the service of process. A resident agent must be a resident of this State. For the purposes of this section, a resident includes a person registered with the Secretary of State, Bureau of Corporations, Elections and Commissions to do business in this State. [1997, c. 437, §9 (NEW).]

The application for registration must contain the information prescribed in section 401, except that the Secretary of State may waive or modify the signature requirements. [1997, c. 437, §9 (NEW).]

**1. Eight-year and 12-year semipermanent registration plate program for trailers and semitrailers.**

Any person may apply on a form supplied by the Secretary of State for a semipermanent registration plate.

A. [1997, c. 437, §10 (RP).]

B. The fee is \$12 for each semitrailer, and the fee is \$5 for each trailer of not more than 2,000 pounds gross vehicle weight.

Fees for the first 3 years of a registration may not be refunded. Fees for the 4th and subsequent years may be refunded prior to the start of the registration year provided that the registration plate and certificate are returned to the Secretary of State. After the start of the registration year, fees for the current year may be refunded if the plate and certificate are returned within 120 days and the Secretary of State is satisfied that the credentials were not used during the registration period. [2003, c. 253, §2 (AMD); 2003, c. 253, §5 (AFF).]

C. With the agreement of the Commissioner of Transportation, the Secretary of State may adopt rules for the payment of the fees in annual or biennial installments. In adopting those rules, the Secretary of State shall consider the financial effect of the registration fee on the registrants, the benefit or burden of installment payment on state revenues and the difficulty of administering this subsection. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Notwithstanding section 401, an application for registration must be signed by the owner or lessee applying for registration, the person authorized by the applicant or the applicant's designated agent. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. On approval of an application, the Secretary of State shall:

(1) Record the registration of the semitrailer or trailer described in the application and assign a distinguishing number or other mark;

(2) Issue a certificate of registration that contains the name and address of the owner or lessee or the address of its designated agent; and

(3) Furnish one semipermanent registration plate for each trailer or semitrailer. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. Semipermanent registration plates expire at the end of the semipermanent plate program or, in the case of a new semitrailer or new trailer, at the end of the 12th registration year following the year of issuance. The registration plates issued for the next program may be displayed on and after December 1st of the preceding calendar year. A registration plate issued after the commencement of the plate program may be displayed either beginning on the date of purchase or on the February 1st following issuance, depending upon the number of paid registration years. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[2003, c. 253, §2 (AMD); 2003, c. 253, §5 (AFF).]

**2. Twenty-year semipermanent semitrailer registration plate program.** Corporations applying for a minimum of 1,000 registrations in a registration year may apply for semipermanent semitrailer registration plates which may be issued for periods of up to 20 years.

A. The fee for each registration is \$12 per year or portion of a year. The Secretary of State shall establish a procedure to bill each registrant using semipermanent semitrailer registrations once annually except the billing at the time of purchase of a full 20-year registration must be for a 3-year period. Fees for the first 3 years are nonrefundable. A fee for a registration of less than 20 years must be prorated accordingly. If any registrant fails to remit the payment in a timely manner, the Secretary of State shall suspend all registrations issued to that registrant pursuant to this subsection. [2003, c. 253, §3 (AMD); 2003, c. 253, §5 (AFF).]

B. [1997, c. 437, §12 (RP).]

C. The Secretary of State may authorize resident agents to receive unassigned registration plates and registration certificates on behalf of registrants. Resident agents are responsible for all registration plates and registration certificates in their possession pursuant to this subsection. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Registration plates issued pursuant to this subsection are valid and may be displayed upon issue for renewal purposes only. Registrations issued pursuant to this subsection remain active unless canceled or reported lost. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. All registration certificates issued pursuant to this subsection must be signed by the owner, lessee, corporate officer, resident agent or other authorized person. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2003, c. 253, §3 (AMD); 2003, c. 253, §5 (AFF) .]

**3. Permanent registration program.** A person registering 30,000 or more semitrailers may be issued 25-year permanent registrations. For the purposes of this subsection, "permanent registration" means a long-term trailer registration certificate and plate with an expiration date of December 31st, 25 years from the year of issue.

A. The fee for each registration is \$80. The fee is nonrefundable. [1997, c. 776, §16 (NEW).]

B. All registrations expire on December 31st, 25 years from the year of issue. [1997, c. 776, §16 (NEW).]

C. The registrant may transfer an unexpired registration to a semitrailer not previously registered to the registrant in this State. The transfer fee is \$20. [1997, c. 776, §16 (NEW).]

D. The Secretary of State may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. [1997, c. 776, §16 (NEW).]

[ 1997, c. 776, §16 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §B9 (AMD). 1997, c. 437, §§9-12 (AMD). 1997, c. 683, §A17 (AMD). 1997, c. 776, §§13-16 (AMD). 2003, c. 253, §§2,3 (AMD). 2003, c. 253, §5 (AFF). 2007, c. 703, §11 (AMD).

## §513. SPECIAL MOBILE EQUIPMENT

**1. Definition.** For the purpose of this section, "special mobile equipment" does not include a vehicle that may be used for the conveyance of property except:

A. Conveying hand tools or parts used in connection with the operation of that equipment; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Road construction or maintenance machinery transporting earth on that portion of the highway under construction. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**1-A. Registration required.** Except as provided in subsection 3, special mobile equipment used on public ways, including, but not limited to, equipment that is rented from a location in this State or outside this State, regardless of whether the main office or headquarters of the owner of the equipment is located in this State or outside this State, must be registered in this State in accordance with this chapter.

[ 2011, c. 356, §9 (AMD) . ]

**2. Annual registration fee.** The annual registration fee for special mobile equipment that is permanently mounted on a traction unit or motor chassis is as follows.

A. Class A special mobile equipment must be operated under an annual registration. The fee for a Class A special mobile equipment registration permit is as follows.

- (1) For gross weight from 0 to 54,000 pounds, the fee is as in section 505, subsection 2-A.
- (2) For gross weight from 54,001 to 60,000 pounds, the fee is \$387.
- (3) For gross weight from 60,001 to 65,000 pounds, the fee is \$417.
- (4) For gross weight from 65,001 to 70,000 pounds, the fee is \$447.
- (5) For gross weight from 70,001 to 75,000 pounds, the fee is \$477.
- (6) For gross weight from 75,001 to 80,000 pounds, the fee is \$507.
- (7) For gross weight from 80,001 to 90,000 pounds, the fee is \$567.
- (8) For gross weight from 90,001 to 94,000 pounds, the fee is \$592.
- (9) For gross weight from 94,001 to 100,000 pounds, the fee is \$712. [ 2001, c. 671, §9 (AMD) . ]

B. The fee for Class B special mobile equipment is \$20. [ 1999, c. 790, Pt. C, §14 (AMD) ; 1999, c. 790, Pt. C, §19 (AFF) . ]

C. For Class B special mobile equipment, if the gross weight is in excess of 20,000 pounds, the registrant must obtain a permit as required by section 2382, subsection 5. [ 2005, c. 501, §2 (AMD) . ]

D. Special mobile equipment may be operated unloaded between construction projects and to or from the place where the vehicle is customarily kept, if a permit is first obtained under section 2382, subsection 5. [ 1993, c. 683, Pt. A, §2 (NEW) ; 1993, c. 683, Pt. B, §5 (AFF) . ]

[ 2005, c. 501, §2 (AMD) . ]

**3. Exemption from registration.** Special mobile equipment that is used exclusively on the closed portion of a public way for the limited purposes of constructing or repairing that public way and that is transported by another vehicle to and from the construction project is exempt from registration under this chapter. For purposes of this subsection, the special mobile equipment must be operated only within the boundaries of a closed way. Notwithstanding section 1601, the owner or operator of special mobile equipment that is exempt from registration pursuant to this subsection shall maintain the amounts of financial responsibility specified in section 1605.

[ 2011, c. 356, §10 (NEW) . ]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §C12 (AMD). 1995, c. 645, §C16 (AFF). 1999, c. 790, §C14 (AMD). 1999, c. 790, §C19 (AFF). 2001, c. 361, §8 (AMD). 2001, c. 361, §38 (AFF). 2001, c. 671, §9 (AMD). 2005, c. 501, §§1,2 (AMD). 2011, c. 356, §§9, 10 (AMD) .

## §514. EVASION OF REGISTRATION FEES AND EXCISE TAXES

A person required to register a vehicle in this State who instead registers the vehicle in another state or province or who fails to register a vehicle in this State is guilty of evasion of registration fees and excise taxes. Violation of this section is a traffic infraction punishable by a fine of not less than \$500 nor more than \$1,000. [1999, c. 611, §1 (AMD).]

The Secretary of State shall notify the State Tax Assessor upon receipt of the court abstract so that the State Tax Assessor may determine whether further investigation is necessary. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

For purposes of this section, a person is presumed to be a resident of the State if that person has: [1999, c. 611, §1 (NEW).]

**1. Enrolled child in public school.** Enrolled a minor child of whom that person has sole or primary custody in a public school within the State; or

[ 1999, c. 611, §1 (NEW) .]

**2. Declared or indicated primary residence in State.** Declared, indicated or stated that that person's primary residence is in the State on any form, document or application used by public and private entities or persons.

An oral statement by a person stating a Maine address as that person's primary residence is prima facie evidence of primary residence under this section.

[ 1999, c. 611, §1 (NEW) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 454, §3 (AMD). 1997, c. 252, §1 (AMD). 1997, c. 776, §17 (AMD). 1999, c. 611, §1 (AMD).

## §515. MOTORCYCLES AND PARKING CONTROL VEHICLES

The annual fee for registering: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Motorcycle.** A motorcycle or a parking control vehicle is \$21; and

[ 1999, c. 790, Pt. C, §15 (AMD); 1999, c. 790, Pt. C, §19 (AFF) .]

**2. Moped.** A moped is \$9.

[ 1999, c. 790, Pt. C, §15 (AMD); 1999, c. 790, Pt. C, §19 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §C13 (AMD). 1995, c. 645, §C16 (AFF). 1999, c. 790, §C15 (AMD). 1999, c. 790, §C19 (AFF).

## §515-A. MOTORCYCLE REGISTRATION PLATES

Motorcycle registration plates must bear the words "Ride Safe." Motorcycle registration plates issued prior to January 1, 1998 may be replaced, upon a registrant's request, by plates issued under this section. The registrant shall surrender the original plates and pay a one-time \$5 fee for the replacement plates. [1997, c. 393, Pt. D, §2 (AMD).]



Motorcycle plates issued under sections 457, 515-B, 517 and 523 are exempt from this section. [2001, c. 361, §9 (AMD).]

#### SECTION HISTORY

1997, c. 287, §1 (NEW). 1997, c. 287, §2 (AFF). 1997, c. 393, §D2 (AMD). 2001, c. 361, §9 (AMD).

### **§515-B. PURPLE HEART MEDAL RECIPIENTS; SPECIAL MOTORCYCLE REGISTRATION PLATES**

The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue a registration certificate and a Purple Heart motorcycle registration plate, to be used in lieu of a regular registration plate, to a person who is a Purple Heart medal recipient. Notwithstanding section 468, the Secretary of State may issue fewer than 2,000 of the plates authorized by this section, and this plate does not require a sponsor. [2003, c. 67, §1 (AMD).]

**1. Application.** An application for Purple Heart motorcycle registration plates must be accompanied by proof that the applicant has been awarded the Purple Heart medal. The Secretary of State shall verify the documentation presented by the applicant. Misrepresentation of documents is in violation of section 2103, subsection 5.

[ 1999, c. 734, §1 (NEW) . ]

**2. Surviving spouse.** The surviving spouse of a Purple Heart recipient issued motorcycle registration plates in accordance with this subsection may retain and display the Purple Heart plates as long as the surviving spouse remains unmarried. Upon remarriage, the surviving spouse may not use the Purple Heart plates on a motorcycle, but may retain them as a keepsake. Upon the death of the surviving spouse, the family may retain the Purple Heart plates, but may not use them on a motorcycle.

[ 1999, c. 734, §1 (NEW) . ]

**3. Design.** The Secretary of State shall determine the design of the Purple Heart motorcycle registration plate. Upon request and as provided by section 453, the Secretary of State shall issue Purple Heart motorcycle registration plates that are also vanity plates. Purple Heart vanity plates are issued in accordance with this section and section 453.

[ 2013, c. 496, §9 (AMD) . ]

**4. Recognition plates.** A Purple Heart recipient or the surviving spouse of a Purple Heart recipient who does not operate a motorcycle or register a motorcycle and who otherwise qualifies for the issuance of special Purple Heart motorcycle registration plates may apply to the Secretary of State for a special single plate recognizing that award. The Secretary of State shall design and identify these special single plates for recognition purposes only. Special single plates may not be attached to a motorcycle. Only one plate may be issued to each recipient.

[ 2011, c. 356, §11 (AMD) . ]

The Secretary of State shall begin issuing Purple Heart motorcycle registration plates in accordance with this section no later than November 1, 2000. [1999, c. 734, §1 (NEW).]

#### SECTION HISTORY

1999, c. 734, §1 (NEW). 2001, c. 155, §1 (AMD). 2001, c. 361, §10 (AMD). 2003, c. 67, §1 (AMD). 2011, c. 356, §11 (AMD). 2013, c. 496, §9 (AMD).

## §516. STOCK CAR

The annual fee for registering a stock race car is \$7. [1999, c. 790, Pt. C, §16 (AMD); 1999, c. 790, Pt. C, §19 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 790, §C16 (AMD). 1999, c. 790, §C19 (AFF).

## §517. GOVERNMENT VEHICLES

**1. Exemption.** The following vehicles are exempt from registration fees, but must be registered and are subject to inspection requirements:

- A. Vehicles owned by the State; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- B. Vehicles owned by a county; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- C. Vehicles owned or used by a municipality; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- D. [1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF); 1995, c. 65, Pt. C, §4 (RP).]
- E. Vehicles owned by a school district; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- F. Vehicles owned by a water district; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- G. Vehicles loaned by a dealer for use in driver education in a public school or private secondary school; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- H. Vehicles loaned by a dealer to a municipality for use by a law enforcement agency for educational purposes; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- I. Vehicles loaned to the University of Maine System and the Maine Community College System and used in organized programs; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]
- J. Vehicles owned by the University of Maine System; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- K. School buses operated under a lease of at least 30 days to a municipality or school district; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- L. Vehicles used in volunteer ambulance or rescue squad services. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §4 (AMD); 1995, c. 65, Pt. C, §15 (AFF); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF) .]

**1-A. Vehicles owned or used by fire departments.** Vehicles owned or used exclusively by municipal fire departments or volunteer fire associations as defined in Title 30-A, section 3151 are exempt from registration requirements and registration fees. The Secretary of State shall register vehicles owned or used exclusively by a municipal fire department or a volunteer fire association upon request of the municipality or volunteer fire association.

Vehicles owned or used by municipal fire departments or volunteer fire associations are not exempt from the inspection requirements of chapter 15, subchapter I.

[ 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §5 (NEW); 1995, c. 65, Pt. C, §15 (AFF) . ]

**1-B. Low-speed vehicle.** A low-speed vehicle loaned by a dealer to a municipality is exempt from registration fees and is not subject to inspection pursuant to section 1752 but must be registered and must be in compliance with equipment provisions under section 1925.

[ 2003, c. 490, Pt. D, §1 (NEW) . ]

**2. Plates.** The Secretary of State shall issue distinctive plates that expire at the end of a 6-year period for state plates and a 10-year period for municipal plates within the semipermanent plate program. Notwithstanding section 501, subsection 11, the Secretary of State shall issue distinctive municipal plates under this subsection to a low-speed vehicle owned by a municipality or loaned by a dealer to a municipality. Vehicles owned by the State may display a marker or insignia, approved by the Secretary of State, plainly designating them as owned by the State.

The Secretary of State may issue environmental or sportsman registration plates to a state-owned vehicle assigned to the Department of Inland Fisheries and Wildlife or the Department of Agriculture, Conservation and Forestry with authorization from the department's commissioner. The Secretary of State may issue environmental or sportsman registration plates to a state-owned vehicle assigned to the Baxter State Park Authority with authorization from the Commissioner of Inland Fisheries and Wildlife in the commissioner's capacity as a member of the Baxter State Park Authority. A state-owned vehicle issued environmental or sportsman registration plates must display a marker or insignia designating the vehicle as state-owned and is exempt from registration fees and the contribution under section 455, subsection 4.

The Secretary of State may issue agricultural education plates to a state-owned vehicle assigned to the Department of Agriculture, Conservation and Forestry with authorization from the Commissioner of Agriculture, Conservation and Forestry. A state-owned vehicle issued agricultural education plates must display a marker or insignia designating the vehicle as state-owned and is exempt from registration fees and the contribution under section 456-F, subsection 2.

The Secretary of State may issue lobster plates to a state-owned vehicle assigned to the Department of Marine Resources with authorization from the Commissioner of Marine Resources. A state-owned vehicle issued lobster plates must display a marker or insignia designating the vehicle as state-owned and is exempt from registration fees and the contribution under section 456-A, subsection 2.

[ 2009, c. 598, §3 (AMD); 2011, c. 657, Pt. W, §§5, 6 (REV) . ]

**3. Exception.** If an exempt vehicle is leased or rented for commercial purposes, registration fees must be paid for that vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**4. Unmarked law enforcement vehicles.** An unmarked motor vehicle used primarily for law enforcement purposes, when authorized by the Secretary of State and upon approval from the appropriate requesting authority, is exempt from displaying a special registration plate. Records for all unmarked vehicle registrations are confidential.

[ 2015, c. 250, Pt. C, §5 (AMD) .]

**5. Municipal police vehicles.** A vehicle owned by a municipality and used by a full-time law enforcement department may be issued special police registration plates at the request of the chief law enforcement official of that municipality.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Federal government vehicles.** The Secretary of State may issue registration certificates and plates without fee to federal or other governmental agencies. Vehicles owned by the Federal Government used under lease to a Maine resident must be registered in this State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. County sheriff vehicles.** A vehicle owned by a county and used by a full-time law enforcement department may be issued special registration plates at the request of the chief law enforcement official of the county. The Secretary of State, in consultation with the Maine Sheriffs' Association, shall design county law enforcement registration plates. A county sheriff requesting special plates shall reimburse the Highway Fund the cost associated with the production and issuance of the plates.

[ 1995, c. 428, §1 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §§A91,C4,5 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 202, §1 (AMD). 1995, c. 428, §1 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2003, c. 490, §§D1,2 (AMD). 2009, c. 435, §4 (AMD). 2009, c. 598, §3 (AMD). 2011, c. 657, Pt. W, §§5, 6 (REV). 2015, c. 250, Pt. C, §5 (AMD).

## §517-A. REGISTRATION EXEMPTION FOR VEHICLES OWNED BY VETERANS GROUPS AND USED EXCLUSIVELY FOR CEREMONIAL ACTIVITIES

Vehicles owned by an organized veterans group and used exclusively for ceremonial activities, including parades, are exempt from registration requirements and registration fees. These vehicles must be inspected pursuant to chapter 15, subchapter I. For purposes of this section, "organized veterans group" means the American Legion, Veterans of Foreign Wars or an organized league of veterans of the United States Marine Corps. [2001, c. 116, §1 (NEW).]

#### SECTION HISTORY

2001, c. 116, §1 (NEW).

## **§517-B. REGISTRATION EXEMPTION FOR ANTIQUE FARM TRACTORS USED IN DEMONSTRATIONS, PARADES, CEREMONIES AND ORGANIZED CHARITABLE EVENTS**

Farm tractors or farm equipment at least 25 years old, as determined by the model year, are exempt from registration requirements and registration fees when used for demonstrations, ceremonies, parades or organized charitable events. [2009, c. 435, §5 (NEW).]

### **SECTION HISTORY**

2009, c. 435, §5 (NEW).

## **§518. EMERGENCY VEHICLES**

Emergency vehicles registered in another jurisdiction and operating in this State as a result of a declared emergency are exempt from further registration requirements. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### **SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## **§519. REGISTRATION PLATES FOR FIREFIGHTERS**

**1. Authority to issue special registration plate.** Upon application by an active firefighter whose status is certified by the fire chief, assistant fire chief or acting fire chief appointed or elected pursuant to Title 30-A, section 3153, the Secretary of State shall issue a special firefighter registration plate.

[ 2005, c. 80, §1 (AMD) .]

**2. Registration plate design.** The Secretary of State may design a numerical registration plate.

[ 1999, c. 470, §5 (AMD) .]

**3. Use of registration plate.** The registration plate may be used on only one motor vehicle with a registered gross weight of not more than 10,000 pounds.

[ 2007, c. 383, §12 (AMD) .]

**4. Fee for registration plate.** An additional one-time fee of \$5 is charged for a set of firefighter registration plates.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Recall of registration plate.** Except as provided in subsection 6, when a firefighter ceases to be an active firefighter, the fire chief shall notify the Secretary of State and the Secretary of State shall recall the registration plate.

[ 2005, c. 80, §1 (AMD) .]

**6. Retired firefighter; retention of registration plate.** Upon approval by the fire chief, assistant fire chief or acting fire chief, a retired firefighter may continue to use the registration plates issued under this section. Upon the death of the firefighter, the family of the firefighter may retain the registration plates but may not use them on a vehicle.

[ 2005, c. 80, §1 (NEW) .]

**7. Firefighter vanity plates.** Effective March 1, 2006 the Secretary of State shall issue firefighter registration plates that are also vanity plates. Firefighter registration vanity plates are issued in accordance with section 453. Firefighter registration vanity plates may not duplicate vanity registration plates in any other class of plate.

[ 2005, c. 80, §1 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 470, §5 (AMD). 2005, c. 80, §1 (AMD). 2007, c. 383, §12 (AMD).

## §520. SPECIAL EQUIPMENT

**1. Registration fee.** The annual registration fee for special equipment, based on gross weight, is \$10 for equipment weighing one to 2,000 pounds; \$15 for 2,001 to 5,000 pounds; and \$20 for over 5,000 pounds.

Registrations under this section may be issued for 2 years for a fee twice that of the annual registration fee.

[ 2009, c. 598, §4 (AMD) .]

**2. Exception.** Registration is not required when special equipment is used solely:

A. On that part of a public way adjoining the premises of the owner; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. For farm purposes, and public way use is limited to travel from or to:

(1) The premises where the equipment is kept;

(2) A farm lot and between farm lots used for farm purposes by the owner; or

(3) A filling station or garage for fuel or repairs. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §C14 (AMD). 1995, c. 645, §C16 (AFF). 1999, c. 790, §C17 (AMD). 1999, c. 790, §C19 (AFF). 2009, c. 598, §4 (AMD).

## §521. REGISTRATION; DISABILITY REGISTRATION PLATES

**1. Definition.** "Person with a disability" means a person whose disability limits or impairs the ability to walk, as determined and certified by a licensed physician, physician assistant, nurse practitioner or registered nurse, to the extent that the person:

A. Can not walk 200 feet without stopping to rest; [1995, c. 482, Pt. A, §4 (NEW).]

B. Can not walk without assistance from another person or the use of a brace, cane, crutch, prosthetic device, wheelchair or other assistive device; [1995, c. 482, Pt. A, §4 (NEW).]

C. Is restricted by lung disease to such an extent that the person's forced expiratory volume for one second when measured by spirometry is less than 1 liter or when the arterial oxygen tension is less than 60mm/hg on room air at rest; [1995, c. 482, Pt. A, §4 (NEW).]

D. Uses portable oxygen; [1995, c. 482, Pt. A, §4 (NEW).]

E. Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class 3 or Class 4 according to standards set by the American Heart Association; [2003, c. 431, §1 (AMD).]

F. Is severely limited in the ability to walk due to an arthritic, neurological or orthopedic condition; or [2003, c. 431, §2 (AMD).]

G. Is recovering from childbirth. [2003, c. 431, §3 (NEW).]

[2007, c. 703, §12 (AMD).]

**2. Disability registration plates.** Disability registration plates must bear the International Symbol of Access, which must be in a color that contrasts with the background and is the same size as the letters or numbers on the plate. The Secretary of State may issue disability registration plates to the following:

A. A person with a disability; [1995, c. 482, Pt. A, §4 (NEW).]

B. A vehicle owner who is a spouse, parent or legal guardian of a person with a disability when the person with a disability is a resident of this State, a member of the relative's or guardian's household and dependent on the vehicle owner as the primary means of transportation; or [1995, c. 482, Pt. A, §4 (NEW).]

C. An organization or agency in this State that transports persons with disabilities. [1995, c. 482, Pt. A, §4 (NEW).]

[1999, c. 544, §1 (AMD).]

**3. Removable windshield placards.** The Secretary of State may issue a removable windshield placard to a person with a disability or an organization or agency in this State that transports persons with disabilities. A removable windshield placard is a 2-sided permit designed to hang from the rearview mirror when the vehicle is not in motion. The following provisions apply to placards.

A. The placard must be displayed by hanging it from the rearview mirror so that it may be viewed from the front and rear of the vehicle when the vehicle is using a parking space for a person with a disability. If the vehicle is not equipped with a rearview mirror, the placard must be displayed on the dashboard. The windshield placard must be removed from the rearview mirror when the vehicle is in motion. [1995, c. 482, Pt. A, §4 (RPR).]

B. The placard must be blue with white print and contain the International Symbol of Access, at least 3 inches high, centered on the placard. The placard must contain the permit number, the expiration date and the seal of the Secretary of State. In the case of an organization or agency, the placard must be green with white print and contain the same information, except that the name of the organization must appear along with the expiration date that must be determined by the Secretary of State. [2015, c. 473, §10 (AMD).]

C. A windshield placard may be displayed on any properly registered motor vehicle only when the person with a disability is a passenger or the operator or when the driver of the vehicle is waiting for a service to be rendered to the person with a disability. [1995, c. 482, Pt. A, §4 (RPR).]

[2015, c. 473, §10 (AMD).]

**4. Motorcycle.** A person with a disability who has registered a motorcycle may be issued a disability plate as a registration plate. The registration plate must bear the International Symbol of Access, which must be in a color that contrasts with the background and must be the same size as the letters or numbers on the plate.

[1995, c. 482, Pt. A, §4 (RPR).]

**5. Application; issuance.** The following provisions apply to an application for and the issuance of a disability plate or placard.

A. An application for a disability plate or placard must be accompanied by the certificate of a physician, physician assistant, nurse practitioner or registered nurse attesting to the applicant's physical disability as defined in subsection 1. The physician, physician assistant, nurse practitioner or registered nurse shall designate the duration of the applicant's disability not to exceed 6 years or designate the applicant's disability as permanent. The Secretary of State shall issue to an eligible applicant disability plates and windshield placards upon request. A disability plate or placard issued to a person for whom the duration of the person's disability has been designated as not exceeding 6 years expires upon the expiration of the duration of the disability as designated by the physician, physician assistant, nurse practitioner or registered nurse. [ 2013, c. 496, §10 (NEW) . ]

B. When the Secretary of State determines the disability to be permanent from the application, the disability plate or placard expires upon the expiration date of that person's driver's license or nondriver identification card issued by this State. The applicant is not required to continue to provide proof of disability upon renewal of the applicant's disability plate or placard. [ 2013, c. 496, §10 (NEW) . ]

C. When the applicant's need for the disability plate or placard terminates or the applicant dies, the disability plate or placard must be returned to the Secretary of State. Notwithstanding subsection 2, paragraphs B and C, the provisions of this subsection, as regards the issuance of a disability plate or placard for a person with a permanent disability, apply only to that person. [ 2013, c. 496, §10 (NEW) . ]

[ 2013, c. 496, §10 (RPR) . ]

**6. Temporary placards.** The Secretary of State may issue a temporary placard to a person who is temporarily disabled. A temporary placard is a 2-sided permit designed to hang from the rearview mirror when the vehicle is not in motion. The following provisions apply to temporary placards.

A. An application for a temporary placard must be accompanied by the certificate of a physician, physician assistant, nurse practitioner or registered nurse attesting to the applicant's physical disability as defined in subsection 1 and the period of time that the physician, physician assistant, nurse practitioner or registered nurse determines the applicant will have the disability. A temporary placard is not valid for a period of more than 6 months. The Secretary of State shall give priority consideration to requests for temporary placards.

A temporary placard issued pursuant to subsection 1, paragraph G is valid, after the birth of a child, for a period of not more than:

(1) One week after cesarean section delivery; or

(2) A time to be determined by the patient's physician after the birth of a preterm infant. [ 2007, c. 703, §14 (AMD) . ]

B. The placard must be red with white print and contain the International Symbol of Access, at least 3 inches high, centered on the placard. The placard must contain the permit number, the expiration date specified by the physician and the seal of the Secretary of State. [ 1995, c. 645, Pt. A, §5 (AMD) . ]

C. During the period for which it is valid, a temporary placard carries the same privileges as a disability windshield placard and has the same use restrictions specified in subsection 3. [ 1995, c. 482, Pt. A, §4 (RPR) . ]

D. [ 1995, c. 482, Pt. A, §4 (RP) . ]

[ 2007, c. 703, §14 (AMD) . ]



**6-A. Parking permit.** The Secretary of State shall create a 21-day parking permit for a person with a disability to be used while a person is waiting to receive a disability registration plate or placard and may appoint a licensed physician, physician assistant, nurse practitioner or registered nurse as an agent authorized solely to issue such a permit. The Secretary of State shall determine by rule qualifications and requirements for an agent authorized under this subsection. The 21-day parking permit must be in a form prescribed by the Secretary of State by rule and convey the privileges and restrictions authorized under this section. The 21-day parking permit must be displayed in a manner so that it may be viewed from the front of the vehicle whenever the vehicle is parked in a parking space for a person with a disability. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Agents appointed pursuant to this subsection may not charge a fee for issuing a 21-day parking permit for a person with a disability.

[ 2011, c. 117, §1 (NEW) . ]

**7. Registration and placard fees.** There is no additional registration fee for disability plates or placards.

[ 2001, c. 361, §11 (AMD) . ]

**8. Violation.**

[ 1997, c. 673, §1 (RP) . ]

**9. Compliance.** Any person or organization issued a placard or plates pursuant to former Title 29, section 252 or 252-C must reapply, according to the procedures set forth in this section, by January 1, 2001. In the case of individuals or organizations currently in possession of disability plates or a placard who successfully reapply, the placard or plates expire on the date specified by the placard or plates.

[ 1997, c. 776, §18 (AMD) . ]

**9-A. Enforcement of disability parking restrictions.** A law enforcement officer may enforce disability parking restrictions. The State Police shall enforce disability parking restrictions at service facilities established on the Maine Turnpike and on the interstate highway system in the State. A person commits a traffic infraction if that person parks in a parking space designated and clearly marked for persons with physical disabilities and has not been issued or is not transporting a person who has been issued a disability registration plate or a removable windshield placard pursuant to this section or section 523 or a disability registration plate or placard issued by another state. A person commits a traffic infraction if that person parks in an access aisle, regardless of whether the person has been issued a disability registration plate or removable placard. A person who violates this subsection is subject to a fine of not less than \$200 and not more than \$500. Testimony under oath with clear photographic evidence from a person with a disability or the driver of a vehicle transporting a person with a disability that a vehicle was parked in violation of this subsection is prima facie evidence of a violation of this subsection. For purposes of this subsection, "person with a disability" has the same meaning as in subsection 1.

[ 2015, c. 52, §1 (AMD) . ]

**9-B. Registered owner's liability for vehicle illegally parked in disability parking space or access aisle.** A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of subsection 9-A commits a traffic infraction. For purposes of this subsection, "registered owner" includes a person issued a dealer or transporter registration plate.

A. Anyone who observes a violation of subsection 9-A may report the violation to a law enforcement officer. If a report is made, the observer shall report the time and the location of the violation and the registration plate number and a description of the vehicle involved. The officer shall initiate an investigation of the reported violation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator. Testimony

under oath with clear photographic evidence from a person with a disability or the driver of a vehicle transporting a person with a disability that a vehicle was parked in violation of this subsection is prima facie evidence of a violation of this subsection. For purposes of this paragraph, "person with a disability" has the same meaning as in subsection 1. [2015, c. 52, §2 (AMD).]

B. The investigating officer may cause the registered owner of the vehicle to be served with a summons for a violation of this subsection. [2005, c. 528, §2 (NEW).]

C. Except as provided in paragraph D, it is not a defense to a violation of this subsection that a registered owner was not operating the vehicle at the time of the violation. [2005, c. 528, §2 (NEW).]

D. The following are defenses to a violation of this subsection.

(1) If a person other than the owner is found to be operating the vehicle at the time of the violation and is adjudicated of violating subsection 9-A, then the registered owner may not be found in violation of this subsection.

(2) If the registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides the investigating officer with a copy of the lease agreement containing the information required by section 254, then the lessee and not the lessor may be charged under this subsection.

(3) If the vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer or transporter, and if the dealer or transporter provides the investigating officer with the name and address of the person who had control over the vehicle at the time of the violation, then that person and not the dealer or transporter may be charged under this subsection.

(4) If a report that the vehicle was stolen is given to a law enforcement officer or agency before the violation occurs or within a reasonable time after the violation occurs, then the registered owner may not be charged under this subsection. [2005, c. 528, §2 (NEW).]

E. A person who violates this subsection is subject to a fine of not less than \$200 and not more than \$500. [2013, c. 381, Pt. C, §2 (AMD).]

[2015, c. 52, §2 (AMD).]

#### **10. Effective date.**

[1997, c. 776, §19 (RP).]

**11. Violation.** A person other than a person with a disability or an organization transporting a person with a disability using a set of disability registration plates or a windshield placard commits a traffic infraction and is subject to a penalty of not less than \$100 nor more than \$500. The disability registration plates or removable windshield placard may be suspended for improper use. A 2nd or subsequent violation of this subsection is a Class E crime for which the fine under this subsection may be doubled.

[2009, c. 143, §2 (AMD).]

**12. Parking at meters.** Pursuant to Title 30-A, section 3009, subsection 1, paragraph C, subparagraph (4), a vehicle that exhibits a permanent placard, a temporary placard or a disability registration plate may park at a parking area with a meter without a charge and may park a length of time that does not exceed twice the limit otherwise allowed.

[2001, c. 151, §1 (NEW).]

**13. Altering placard.** A person who alters or causes to be altered the expiration date of a disability placard issued pursuant to this section commits a traffic infraction and is subject to a penalty of not less than \$100 nor more than \$500.

[ 2007, c. 383, §13 (NEW) .]

**14. Disabled veterans parking.** A person qualifying for special designation plates pursuant to section 523, subsection 1 or 2 may request disabled veterans parking registration plates.

Disabled veterans parking registration plates must bear the words "Disabled Veteran," the American flag and the International Symbol of Access in compliance with subsection 2.

[ 2009, c. 598, §5 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §A4 (RPR). 1995, c. 645, §§A4,5 (AMD). 1997, c. 673, §§1,2 (AMD). 1997, c. 776, §§18,19 (AMD). 1999, c. 470, §6 (AMD). 1999, c. 544, §1 (AMD). 2001, c. 35, §§1-3 (AMD). 2001, c. 77, §1 (AMD). 2001, c. 151, §1 (AMD). 2001, c. 361, §11 (AMD). 2003, c. 431, §§1-4 (AMD). 2003, c. 633, §2 (AMD). 2005, c. 433, §7 (AMD). 2005, c. 433, §28 (AFF). 2005, c. 528, §§1,2 (AMD). 2007, c. 383, §13 (AMD). 2007, c. 703, §§12-14 (AMD). 2009, c. 143, §§1, 2 (AMD). 2009, c. 598, §5 (AMD). 2011, c. 23, §1 (AMD). 2011, c. 117, §1 (AMD). 2013, c. 381, Pt. C, §§1, 2 (AMD). 2013, c. 496, §10 (AMD). 2015, c. 52, §§1, 2 (AMD). 2015, c. 473, §10 (AMD).

## §522. DEAF, HARD-OF-HEARING AND LATE-DEAFENED PERSONS

**1. Issuance of placard.** The Secretary of State may issue a placard for deaf, hard-of-hearing and late-deafened persons to a person who is deaf, hard-of-hearing or late deafened on receipt of a form from the Division for the Deaf, Hard of Hearing and Late Deafened, Bureau of Rehabilitation Services, certified by a physician or an audiologist stating that the applicant is deaf, hard-of-hearing or late deafened and can not hear or understand normal speech.

[ 2009, c. 174, §22 (AMD) .]

**2. Manner of display.** The placard must be displayed in a conspicuous location in the vehicle as near to the operator as possible without obstructing the view of the operator.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. No fee.** There is no fee for a placard issued pursuant to this section.

[ 2001, c. 361, §12 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §§A92,93 (AMD). 1995, c. 65, §§A153,C15 (AFF). 2001, c. 361, §12 (AMD). 2009, c. 174, §22 (AMD).

## §523. CERTAIN VETERANS

**1. Amputee or blind veterans.** On application to the Secretary of State for registration of any motor vehicle of any amputee or blind veteran who has received an automobile from the United States Government under authority of 38 United States Code, Sections 3901, et seq. or any amputee or blind veteran receiving compensation from the Veterans Administration or any branch of the United States Armed Forces for service-connected disability who has a specially designed motor vehicle, that veteran is entitled to have that automobile duly registered and a registration certificate delivered to the veteran without the requirement of the payment of any fee.

Any veteran who has lost both legs or the use of both legs and who has registered a motor vehicle without the payment of a fee as provided in this section upon certification by the Veterans Administration or appropriate branch of the United States Armed Forces must be issued special designating plates. Those designating plates must be issued by the Secretary of State and must bear the words "Disabled Veteran."

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Disabled veterans; special free license plates.** The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue a registration certificate and set of special designating plates to be used in lieu of regular registration plates for a vehicle with a registered gross weight of not more than 10,000 pounds to any 100% disabled veteran when that application is accompanied by certification from the United States Veterans Administration or any branch of the United States Armed Forces as to the veteran's permanent disability and receipt of 100% service-connected benefits. A disability placard is issued in addition to the disabled veteran registration plate at no fee.

These special designating plates must bear the words "Disabled Veteran," which indicate that the vehicle is owned by a disabled veteran.

[ 2007, c. 383, §14 (AMD) .]

**2-A. Disabled veterans motorcycle license plates.** The Secretary of State shall issue a registration certificate and special designating plate for a motorcycle to be used in lieu of a registration plate issued in subsection 2 to any 100% disabled veteran if an applicant submits the following together with an application:

A. Evidence of payment of the excise tax required by Title 36, section 1482; and [1999, c. 734, §2 (NEW) .]

B. Certification from the United States Veterans Administration or any branch of the United States Armed Forces as to the veteran's permanent disability and receipt of 100% service-connected benefits. [1999, c. 734, §2 (NEW) .]

Notwithstanding section 468, the Secretary of State may issue fewer than 2,000 of the plates authorized by this subsection, and this plate does not require a sponsor. These special designating plates must bear the word "Veteran."

[ 1999, c. 734, §2 (NEW) .]

**3. Special veterans registration plates.** The Secretary of State, on application and evidence of payment of the excise tax required by Title 36, section 1482 and the registration fee required by section 501, shall issue a registration certificate and a set of special veterans registration plates to be used in lieu of regular registration plates for a vehicle with a registered gross weight of not more than 10,000 pounds to any person who has served in the United States Armed Forces and who has been honorably discharged or to a person who has served in the United States Armed Forces for at least 3 years and continues to serve. If a person who qualifies for a special veterans registration plate under this subsection is the primary driver of 3 vehicles, the Secretary of State may issue in accordance with this section a set of special veterans registration plates for each vehicle.

Each application must be accompanied by the applicant's Armed Forces Report of Transfer or Discharge, DD Form 214, certification from the United States Veterans Administration or the appropriate branch of the United States Armed Forces verifying the applicant's military service and honorable discharge, or a letter from the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services verifying active duty military service and length of service.

The Secretary of State shall recall a special veterans registration plate of a recipient who has been less than honorably discharged from the United States Armed Forces.

All surplus revenue collected for issuance of the special registration plates is retained by the Secretary of State to maintain and support this program.

The surviving spouse of a special veteran plate recipient issued plates in accordance with this subsection may retain and display the special veteran plates as long as the surviving spouse remains unmarried. Upon remarriage, the surviving spouse may not use the special veteran plates on a motor vehicle, but may retain them as a keepsake. Upon the death of the surviving spouse, the family may retain the special veteran plates, but may not use them on a motor vehicle.

The Secretary of State may issue a special disability registration plate for veterans in accordance with section 521, subsections 1, 5, 7 and 9. The special disability registration plate for veterans must bear the International Symbol of Access.

The Secretary of State may issue a set of special veterans registration plates when the qualifying veteran is the primary driver of a company-owned vehicle if:

A. The company is owned solely by a veteran who qualifies for a veteran plate under this section;  
[ 2007, c. 383, §15 (NEW) . ]

B. The vehicle is leased by a veteran who qualifies for the veteran plate under this subsection; or  
[ 2007, c. 383, §15 (NEW) . ]

C. The vehicle is leased by the employer of a veteran who qualifies for the veteran plate and the employer has assigned the vehicle exclusively to the veteran. The employer must attest in writing that the veteran will have exclusive use of the vehicle and agrees to the display of the special veteran plate.  
[ 2007, c. 383, §15 (NEW) . ]

[ 2009, c. 80, §1 (AMD) . ]

**3-A. Motorcycle plates; veterans.** In addition to any plate issued pursuant to subsection 3, the Secretary of State, on application and evidence of payment of the excise tax required by Title 36, section 1482 and the registration fee required by section 515, subsection 1, shall issue a registration certificate and a special veterans registration plate for up to 3 designated motorcycles owned or controlled by a person who has served in the United States Armed Forces and who has been honorably discharged or to a person who has served in the United States Armed Forces for at least 3 years and continues to serve.

Each application must be accompanied by the applicant's Armed Forces Report of Transfer or Discharge, DD Form 214, certification from the United States Department of Veterans Affairs or the appropriate branch of the United States Armed Forces verifying the applicant's military service and honorable discharge, or a letter from the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services verifying active duty military service and length of service.

The Secretary of State shall recall a special veterans registration plate of a recipient who has been less than honorably discharged from the United States Armed Forces.

All surplus revenue collected for issuance of the special veterans registration plates is retained by the Secretary of State to maintain and support this program.

Upon request the Secretary of State shall issue special veterans registration plates for a motorcycle that are also vanity plates. These plates are issued in accordance with this section and section 453. Vanity plates issued under this subsection may not duplicate vanity plates issued in another class of plate.

The surviving spouse of a recipient of a special veterans registration plate issued in accordance with this subsection may retain and use the plate or plates as long as the surviving spouse remains unmarried. Upon remarriage, the surviving spouse may not use the plate or plates, but may retain them. Upon the death of the surviving spouse, the family may retain the plate or plates, but may not use them.

The Secretary of State may not issue special commemorative decals under subsection 5 or 6 for use on special veterans registration plates for a motorcycle.

[ 2011, c. 356, §12 (AMD) .]

**4. Veterans vanity plates.** Upon request and as provided by section 453, the Secretary of State shall issue veterans registration plates that are also vanity plates. Veterans registration vanity plates are issued in accordance with this section and section 453.

[ 2013, c. 496, §11 (AMD) .]

**5. Special commemorative decals for medals, badges or ribbons awarded.** The Secretary of State may issue special commemorative decals for use with special veterans registration plates to any person who served in the United States Armed Forces, was honorably discharged and was awarded a medal, badge or ribbon described in paragraphs A to AA when that person's application is accompanied by the appropriate military certification verifying that the medal, badge or ribbon was awarded to the applicant. One set of commemorative decals may be issued for each set of special veterans registration plates issued under this section. One set of 2 commemorative decals must be displayed on the front and back plates. The fee for a set of commemorative decals may not exceed \$5.

Special commemorative decals may be issued to applicants awarded the following medals, badges or ribbons:

- A. Distinguished Service Cross; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF) .]
- B. Navy Cross; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF) .]
- C. Air Force Cross; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF) .]
- D. Silver Star; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF) .]
- E. Distinguished Flying Cross; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF) .]
- F. Bronze Star; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF) .]
- G. Soldier's Medal; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF) .]
- H. Navy or Marine Corps Medal; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF) .]
- I. Airman's Medal; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF) .]
- J. Coast Guard Medal; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF) .]
- K. Asiatic-Pacific Campaign Medal; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF) .]
- L. European-African-Middle Eastern Campaign Medal; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF) .]
- M. Korean Service Medal; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF) .]
- N. Vietnam Service Medal; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF) .]
- O. Southwest Asia Service Medal; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF) .]
- P. Armed Forces Expeditionary Medal; [2005, c. 420, §1 (AMD); 2005, c. 433, §8 (AMD); 2005, c. 433, §28 (AFF) .]

Q. Kosovo Service Medal; [2005, c. 683, Pt. A, §47 (RPR).]

R. Korea Defense Service Medal; [2005, c. 683, Pt. A, §48 (RPR).]

S. Global War on Terrorism Medal; [2005, c. 433, §9 (NEW); 2005, c. 433, §28 (AFF).]

T. Iraq Campaign Medal; [2009, c. 437, §1 (AMD).]

U. Afghanistan Campaign Medal; [2009, c. 437, §1 (AMD).]

V. United States Army Combat Infantry Badge; [2009, c. 437, §1 (NEW).]

W. United States Army Combat Medic Badge; [2009, c. 437, §1 (NEW).]

X. United States Army Combat Action Badge; [2009, c. 437, §1 (NEW).]

Y. United States Navy, Marine Corps or Coast Guard Combat Action Ribbon; [2011, c. 22, §1 (AMD).]

Z. United States Air Force Combat Action Medal; and [2011, c. 22, §1 (AMD).]

AA. National Emergency Service Medal. [2011, c. 22, §1 (NEW).]

[ 2011, c. 22, §1 (AMD) .]

**6. Special commemorative decals for branches of armed forces.** The Secretary of State may issue special commemorative decals for use with special veterans registration plates to any person who served in the United States Armed Forces and was honorably discharged when that person's application is accompanied by the appropriate military certification verifying the applicant's service. One set of commemorative decals may be issued for each set of special veterans registration plates issued under this section. One set of 2 commemorative decals must be displayed on the front and back plate. The fee for a set of commemorative decals may not exceed \$5.

Special commemorative decals may be issued to applicants who served in the:

A. United States Army; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF).]

B. United States Air Force; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF).]

C. United States Navy; [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF).]

D. United States Marine Corps; or [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF).]

E. United States Coast Guard. [2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF).]

[ 2001, c. 453, §2 (NEW); 2001, c. 453, §4 (AFF) .]

**7. Moratorium on decals for use with special veterans registration plates.** During the period beginning October 1, 2009 and ending October 1, 2014, the Secretary of State may not issue any decal not authorized by subsection 5, paragraphs A to AA, subsection 6, paragraphs A to E or subsection 8 for use with special veterans registration plates.

[ 2013, c. 586, Pt. I, §1 (AMD) .]

**8. Wabanaki decal.** The Secretary of State may issue a set of 2 Wabanaki decals to a person who has or receives a special veterans registration plate if the Secretary of State receives an application and a statement signed by a tribal official from a federally recognized tribe within the Wabanaki Confederacy proving the applicant's membership in the tribe. One set of 2 Wabanaki decals must be displayed on the front and back plates. The fee for a set of Wabanaki decals may not exceed \$5.

[ 2013, c. 586, Pt. I, §2 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §B10 (AMD). 1995, c. 645, §B24 (AFF). 1997, c. 69, §1 (AMD). 1999, c. 734, §2 (AMD). 1999, c. 751, §1 (AMD). 2001, c. 444, §1 (AMD). 2001, c. 453, §§1,2 (AMD). 2001, c. 453, §4 (AFF). 2001, c. 671, §10 (AMD). 2003, c. 652, §B4 (AMD). 2003, c. 652, §B8 (AFF). 2005, c. 420, §§1,2 (AMD). 2005, c. 433, §§8,9 (AMD). 2005, c. 433, §28 (AFF). 2005, c. 573, §3 (AMD). 2005, c. 683, §§A47,48 (AMD). 2007, c. 376, §1 (AMD). 2007, c. 383, §§14, 15 (AMD). 2009, c. 80, §§1, 2 (AMD). 2009, c. 437, §§1, 2 (AMD). 2011, c. 22, §§1, 2 (AMD). 2011, c. 356, §12 (AMD). 2013, c. 496, §11 (AMD). 2013, c. 586, Pt. I, §§1, 2 (AMD).

## §524. OTHER SPECIAL VETERANS REGISTRATION PLATES

**1. United States Medal of Honor recipients; special license plates.** The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue, at no fee, a registration certificate and set of special designating plates, to be used in lieu of regular registration plates, to any Maine resident who has been awarded the Medal of Honor by the Congress of the United States when the application is accompanied by a copy of the military orders awarding the Medal of Honor.

These special designating plates must be of a design as determined by the Secretary of State.

The Secretary of State may issue Medal of Honor plates for display only on an automobile or truck registered for not more than 10,000 pounds.

[ 2011, c. 356, §13 (AMD) .]

**2. Former prisoners of war; special license plates.** The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue, at no fee, a registration certificate and set of special designating plates to be used in lieu of regular registration plates to any civilian citizen of the United States who was interned as a prisoner of war and to any person who served in the United States Armed Forces and who was a prisoner of war at any time during tenure of service, or the surviving spouse of a former prisoner of war who is deceased, when that application is accompanied by a copy of the appropriate military form or other official form issued by the Federal Government certifying that the person is a former prisoner of war. This special license plate is issued specifically to former prisoners of war and their spouses and the privilege of using the special plate is transferable only on the death of the former prisoner of war to the former prisoner's spouse. Upon the death of the former prisoner of war, the surviving spouse may retain and display the special license plate. Upon remarriage, the surviving spouse may not use the special license plate on a motor vehicle, but may retain it. Upon the death of the surviving spouse, the family may retain the special license plate, but not use it on a motor vehicle.

These special designating plates must be of a design as determined by the Secretary of State that is unique and not duplicated by any other design.

The Secretary of State may issue prisoner of war plates for display only on an automobile or truck registered for not more than 10,000 pounds.

[ 2011, c. 356, §13 (AMD) .]



**3. Pearl Harbor survivors; special license plates.** The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue, at no fee, a registration certificate and set of special designating plates to be used in lieu of regular registration plates to any person who served in the United States Armed Forces and who was stationed at Pearl Harbor, Oahu, Hawaii during the attack by Japanese forces on December 7, 1941, when that application is accompanied by appropriate military certification verifying the applicant's service at Pearl Harbor during the attack. This special license plate is issued specifically to Pearl Harbor survivors and the privilege of using the special plate is not transferable.

These special designating plates must be of a design as determined by the Secretary of State.

The Secretary of State may issue Pearl Harbor survivor plates for display only on an automobile or truck registered for not more than 10,000 pounds.

[ 2011, c. 356, §13 (AMD) . ]

**4. Purple Heart medal recipients; special license plates.** The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue, at no fee, a registration certificate and a set of Purple Heart registration plates, to be used in lieu of regular registration plates, to a person who is a Purple Heart medal recipient.

An application for Purple Heart plates must be accompanied by proof that the applicant has been awarded the Purple Heart medal. The Secretary of State shall verify the documentation presented by the applicant. Misrepresentation of documents is in violation of section 2103, subsection 5.

The Secretary of State may issue Purple Heart plates for display only on an automobile or truck registered for not more than 10,000 pounds. A Purple Heart recipient may be issued Purple Heart plates for no more than 2 vehicles.

The surviving spouse of a Purple Heart recipient issued plates in accordance with this subsection may retain and use the Purple Heart plates as long as the surviving spouse remains unmarried. Upon remarriage, the surviving spouse may not use the Purple Heart plates on a motor vehicle, but may retain them. Upon the death of the surviving spouse, the family may retain the Purple Heart plates, but may not use them on a motor vehicle.

The Secretary of State shall determine the design of the Purple Heart plate. Upon request and as provided by section 453, the Secretary of State shall issue Purple Heart plates that are also vanity plates. Purple Heart vanity plates are issued in accordance with this section and section 453. The annual service fee for vanity plates required in section 453 is credited to the Highway Fund.

A Purple Heart recipient or the surviving spouse of a Purple Heart recipient who does not operate a motor vehicle or register a motor vehicle and who otherwise qualifies for the issuance of special Purple Heart registration plates may apply to the Secretary of State for a special single plate recognizing that award.

The Secretary of State shall design and identify these single plates for recognition purposes only. Single Purple Heart plates may not be attached to a motor vehicle. Only one plate may be issued to each recipient.

[ 2011, c. 356, §13 (AMD) . ]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 190, §1 (AMD). 1995, c. 645, §B11 (AMD). 1997, c. 31, §1 (AMD). 2001, c. 155, §2 (AMD). 2003, c. 67, §2 (AMD). 2007, c. 383, §16 (AMD). 2011, c. 356, §13 (AMD).

## §524-A. WABANAKI REGISTRATION PLATES

No later than November 1, 2005, the Secretary of State shall issue Wabanaki registration plates to members of federally recognized tribes in the State pursuant to this section. [ 2003, c. 683, §1 (NEW) . ]

**1. Wabanaki registration plates.** The Secretary of State, upon receiving an application and evidence of payment of the registration fee required by section 501, the excise tax required by Title 36, section 1482 and a statement signed by a tribal official from a federally recognized tribe within the Wabanaki Confederacy proving the applicant's membership in the tribe, shall issue a registration certificate and a set of Wabanaki registration plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters and the word "Wabanaki."

[ 2003, c. 683, §1 (NEW) . ]

**2. Reimbursement for production and issuance costs for plates.** The Wabanaki Confederacy shall pay all costs associated with the initial production and issuance of the plates and shall provide payment to the Secretary of State for the costs to replenish the Wabanaki plate inventory.

[ 2003, c. 683, §1 (NEW) . ]

**3. Design.** The Secretary of State, in consultation with the Wabanaki Confederacy, shall determine a design for the Wabanaki registration plates. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design prior to manufacture of the plates. Upon request, the Secretary of State shall issue Wabanaki plates that are also vanity plates. Wabanaki plates are issued in accordance with the provisions of this section and section 453.

[ 2003, c. 683, §1 (NEW) . ]

**4. Renewal fee.** The renewal fee for the Wabanaki plate is the regular motor vehicle registration fee required by section 501.

[ 2003, c. 683, §1 (NEW) . ]

**5. Duplicate plates.** The Secretary of State shall issue Wabanaki plates in a 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

[ 2003, c. 683, §1 (NEW) . ]

**6. Weight limit.** A Wabanaki plate may be issued for a motor vehicle that does not exceed 10,000 pounds. A motor vehicle that exceeds 6,000 pounds is subject to the fees in section 504.

[ 2007, c. 383, §17 (AMD) . ]

### SECTION HISTORY

2003, c. 683, §1 (NEW). 2007, c. 383, §17 (AMD).

## §524-B. GOLD STAR FAMILY REGISTRATION PLATES

**1. Eligibility.** Notwithstanding the requirements in section 468-A, the Secretary of State, upon application and upon evidence of payment of the excise tax required by Title 36, section 1482 and the annual motor vehicle registration fee required by section 501, shall issue a registration certificate and a set of gold star family registration plates, to be used in lieu of regular registration plates, to:

A. A person who is eligible to receive a gold star lapel button under 10 United States Code, Section 1126 (2010); [ 2015, c. 17, §1 (AMD); 2015, c. 17, §3 (AFF) . ]

B. A grandparent of a member of the United States Armed Forces, if that member dies after March 28, 1973 as a result of:

- (1) An international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the United States Secretary of Defense; or
- (2) Military operations while serving outside the United States, including the commonwealths, territories and possessions of the United States, as a part of a peacekeeping force; [ 2015, c. 17, §1 (AMD); 2015, c. 17, §3 (AFF). ]

C. A person who is not eligible to receive a gold star lapel button under 10 United States Code, Section 1126 (2010) but who is eligible for a lapel button for next of kin of deceased personnel under 32 Code of Federal Regulations, Section 578.63 (2006); and [ 2015, c. 17, §1 (NEW); 2015, c. 17, §3 (AFF). ]

D. A grandparent of a member of the United States Armed Forces, if that member dies while serving on active duty or while assigned in the reserve components of the United States Armed Forces or Army National Guard unit in a drill status. [ 2015, c. 17, §1 (NEW); 2015, c. 17, §3 (AFF). ]

[ 2015, c. 17, §1 (AMD); 2015, c. 17, §3 (AFF). ]

**2. Application.** An application for gold star family registration plates must be accompanied by proof that the applicant is eligible. The Secretary of State, in consultation with the Department of Defense, Veterans and Emergency Management, shall verify the documentation presented by the applicant. Misrepresentation of documents is in violation of section 2103, subsection 5.

The Secretary of State may issue gold star family registration plates for display only on an automobile or pickup truck. An applicant may be issued gold star family registration plates for no more than one vehicle.

[ 2015, c. 17, §1 (AMD); 2015, c. 17, §3 (AFF). ]

**3. Design.** The Secretary of State shall determine the design of the gold star family registration plate.

A person who does not operate a motor vehicle or register a motor vehicle and who otherwise qualifies for the issuance of gold star family registration plates may apply to the Secretary of State for a special single plate recognizing that award. The Secretary of State shall design and identify these special single plates for recognition purposes only. Special single plates may not be attached to a motor vehicle. Only one special single plate may be issued to each recipient at no fee.

[ 2011, c. 246, §1 (NEW). ]

**4. Gold star family vanity plates.** Upon request and as provided by section 453, the Secretary of State shall issue gold star family registration plates that are also vanity plates. Gold star family vanity registration plates are issued in accordance with this section and section 453.

[ 2015, c. 17, §2 (NEW). ]

The Secretary of State shall begin issuing gold star family registration plates in accordance with this section no later than October 1, 2011. [ 2011, c. 246, §1 (NEW). ]

#### SECTION HISTORY

2011, c. 246, §1 (NEW). 2015, c. 17, §§1, 2 (AMD). 2015, c. 17, §3 (AFF).

## §525. FUEL TAX LICENSING AND REPORTING

**1. Fuel use reporting account.** A person operating a vehicle using fuel other than gasoline must establish an account for fuel use reporting if that vehicle:

- A. Is registered for a gross vehicle weight in excess of 26,000 pounds; [1995, c. 482, Pt. B, §8 (AMD); 1995, c. 482, Pt. B, §22 (AFF).]
- B. Is designed to carry 20 or more passengers; [1995, c. 482, Pt. B, §8 (AMD); 1995, c. 482, Pt. B, §22 (AFF).]
- C. Is used in combination with another vehicle or vehicles and the combined gross weight is in excess of 26,000 pounds; or [1995, c. 482, Pt. B, §9 (NEW); 1995, c. 482, Pt. B, §22 (AFF).]
- D. Has 3 or more axles on the power unit regardless of gross weight. [1995, c. 482, Pt. B, §9 (NEW); 1995, c. 482, Pt. B, §22 (AFF).]

[ 1995, c. 482, Pt. B, §§8, 9 (AMD); 1995, c. 482, Pt. B, §22 (AFF) .]

**2. Exceptions.** A person operating a vehicle on a public way, subject to Title 36, chapter 459 shall obtain a fuel use identification decal for that vehicle, except for:

- A. A vehicle owned and operated by government agencies; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- B. A vehicle legally operating with dealer registration plates; [1995, c. 482, Pt. B, §10 (AMD); 1995, c. 482, Pt. B, §22 (AFF).]
- C. A recreational vehicle; [1995, c. 482, Pt. B, §10 (AMD); 1995, c. 482, Pt. B, §22 (AFF).]
- D. An authorized emergency vehicle registered in another jurisdiction and operating in response to a declared emergency; or [1995, c. 482, Pt. B, §10 (AMD); 1995, c. 482, Pt. B, §22 (AFF).]
- E. A vehicle legally licensed for fuel use reporting under the International Fuel Tax Agreement. [1995, c. 482, Pt. B, §11 (NEW); 1995, c. 482, Pt. B, §22 (AFF).]

[ 2007, c. 438, §1 (AMD) .]

### 3. Interstate fleets.

[ 1995, c. 482, Pt. B, §22 (AFF); 1995, c. 482, Pt. B, §12 (RP) .]

**4. Exception.** A farm vehicle or farm truck subject to limited inspection under section 1752, subsections 2 and 4 is not required to have a fuel use identification decal.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Fee.** The decal fee for each vehicle is \$5.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Issuance; display; expiration.** The Secretary of State shall issue interstate and intrastate fuel use identification decals and shall specify the location on the exterior of a vehicle to which a decal must be affixed permanently. A decal must be visible and legible.

A. A fuel use identification decal issued pursuant to the International Fuel Tax Agreement expires on December 31st. A fuel use identification decal issued for intrastate operation expires on June 30th. [1997, c. 776, §20 (AMD).]

B. A cab card must be carried in the vehicle at all times. For the purposes of this paragraph, "cab card" means identification issued or approved by the Secretary of State that contains the legal name and address of the person who has established a fuel use reporting account for the vehicle. [1995, c. 482, Pt. B, §13 (AMD); 1995, c. 482, Pt. B, §22 (AFF).]

C. A person transferring ownership of a vehicle bearing a valid fuel use identification decal must disfigure the decal. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. A person acquiring a vehicle with an unexpired fuel use identification decal may not operate that vehicle without a valid trip permit or a fuel use identification decal issued to that person. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1997, c. 776, §20 (AMD) .]

**7. Trip permits.** In lieu of fuel tax licensing and reporting, the Secretary of State may issue a trip permit that authorizes for a period not to exceed 3 consecutive days a specific vehicle to be operated without a fuel use identification decal. The permit must accompany the vehicle at all times. The fee for a permit is \$50.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Enforcement.** A state police officer or any member of the Department of Public Safety designated by the Commissioner of Public Safety may enforce this section.

A person in violation of the requirements for reporting fuel use taxes under Title 36 may be required to fully comply before being allowed to proceed.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

## **9. Violation.**

[ 2003, c. 688, Pt. A, §33 (AFF); 2003, c. 688, Pt. A, §31 (RP) .]

**9-A. Violation.** The following penalties apply to violations of this section.

A. Except as provided in paragraph B, a person who violates this section commits a Class E crime. [2003, c. 688, Pt. A, §33 (AFF); 2003, c. 688, Pt. A, §32 (RPR).]

B. A person who displays or causes or permits to be displayed a false decal or permit or a decal or permit issued to another person commits a Class D crime. [2003, c. 688, Pt. A, §33 (AFF); 2003, c. 688, Pt. A, §32 (RPR).]

An owner or operator stopped for violating this section and against whom enforcement action has been taken does not commit a subsequent violation of this section involving the same vehicle until after the close of business on the next business day following the date of the violation.

The court shall impose a fine of at least \$250, which may not be suspended.

Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[ 2003, c. 688, Pt. A, §33 (AFF); 2003, c. 688, Pt. A, §32 (RPR) .]

**10. Suspension.** If a person fails to file a fuel tax report or to pay any taxes, interest, penalties or audit assessment as required pursuant to Title 36, chapter 459 or any rule adopted pursuant to this section, the Secretary of State shall suspend the person's fuel tax license, all fuel decals issued to the person and

that person's privilege to operate as a motor carrier. In order to be reinstated, the person must file all delinquent tax returns and pay all assessments, interest and penalties. In addition, the person must pay a \$50 reinstatement fee pursuant to section 2486, subsection 1.

[ 2009, c. 213, Pt. YYYY, §1 (AMD) .]

**11. Cooperation.** The State Tax Assessor, the Department of Public Safety and the Secretary of State shall cooperate in the issuance of decals, licenses and permits, the processing of tax returns, enforcement of this section and to ensure that timely information is readily available to all enforcement personnel of the status of those in noncompliance with the fuel use tax laws and motor vehicle registration laws.

Subject to the provisions of Title 36, the State Tax Assessor may by mutual agreement with the Secretary of State delegate to the Secretary of State responsibility for the audit and processing of motor carrier fuel tax returns, motor carrier fuel tax assessment and collection and compliance with the administrative requirements of the International Fuel Tax Agreement.

[ 2011, c. 644, §1 (AMD) .]

**12. Funds.** All fees, fines, fuel tax revenue and forfeitures accrue to the Highway Fund.

[ 1995, c. 645, Pt. B, §12 (AMD); 1995, c. 645, Pt. B, §24 (AFF) .]

**13. Rules.** The Secretary of State in consultation with the State Tax Assessor and the Commissioner of Public Safety may adopt rules to implement this section and to provide for participation in the International Fuel Tax Agreement.

[ 1995, c. 482, Pt. B, §14 (NEW); 1995, c. 482, Pt. B, §22 (AFF) .]

**14. Venue.** A violation of this section is deemed to have been committed in part at the principal office of the Secretary of State. Prosecution under this section may be in the county where the act to which the proceeding relates occurred or in Kennebec County.

[ 2005, c. 622, §1 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §§B8-14 (AMD). 1995, c. 482, §B22 (AFF). 1995, c. 645, §B12 (AMD). 1995, c. 645, §B24 (AFF). 1997, c. 776, §§20,21 (AMD). 1999, c. 414, §§1,2 (AMD). 2001, c. 361, §13 (AMD). 2001, c. 463, §1 (AMD). 2001, c. 463, §7 (AFF). 2003, c. 434, §10 (AMD). 2003, c. 434, §37 (AFF). 2003, c. 452, §Q7 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 688, §§A31,32 (AMD). 2003, c. 688, §A33 (AFF). 2005, c. 622, §1 (AMD). 2007, c. 438, §§1,2 (AMD). 2009, c. 213, Pt. YYYY, §1 (AMD). 2009, c. 598, §6 (AMD). 2011, c. 644, §1 (AMD).

## §526. SURCHARGE ON CERTAIN REGISTRATIONS

*(REPEALED)*

#### SECTION HISTORY

1999, c. 473, §J1 (NEW). 1999, c. 790, §C19 (AFF). 1999, c. 790, §C18 (RP).

## Article 5: INTERNATIONAL REGISTRATION PLAN

## §531. APPLICATION OF THE INTERNATIONAL REGISTRATION PLAN; APPORTIONED REGISTRATIONS

The Secretary of State shall implement the International Registration Plan, referred to in this article as the "plan," in accordance with this section. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Registration year.** Fleets must be apportioned under the plan on a staggered basis. The registrant shall elect a common registration expiration date for all apportioned vehicles in the fleet. For purposes of this section, "fleet" means one or more vehicles registered to the same person and sharing a common registration expiration date and a common mileage report.

[ 2001, c. 361, §14 (AMD); 2001, c. 361, §38 (AFF) .]

**2. Application of plan.** The plan agreement prevails if in conflict with other laws or rules regarding registration of vehicles.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Rulemaking.** The Secretary of State shall adopt rules to carry out provisions of the plan.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Registration transition.** The registration of motor vehicles that are to be registered under the plan may be prorated on a monthly basis. Prorated registrations may be issued for any number of months necessary to provide for the consolidation of fleets of vehicles under a single expiration date.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Registration of fleet operated by nonresident owner.** The Secretary of State may provide for the registration of a fleet of vehicles operated by a nonresident owner on an apportionment or allocation basis when those vehicles are regularly operated between points outside the State to points in the State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Excise tax on commercial vehicles operated by nonresident owners.** Nonresident owners of motor vehicles paying an apportioned registration fee to the State through the International Registration Plan shall pay to the Secretary of State an apportioned excise tax determined by multiplying the apportioned mileage percentage by the purchase price of the vehicle and by the appropriate mill rate for the model year as determined in Title 36, section 1482, subsection 1, paragraph C.

[ 1995, c. 440, §1 (NEW); 1995, c. 440, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 440, §1 (AMD). 1995, c. 440, §5 (AFF). 2001, c. 361, §14 (AMD). 2001, c. 361, §38 (AFF).

## §532. VEHICLES REGISTERED PURSUANT TO THE PLAN

Notwithstanding any other provision of this Title, the following provisions apply to vehicles required to be registered pursuant to the plan. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Cab cards.** For each vehicle base registered in this State under the plan, there is a fee of \$5 for each original cab card or replacement cab card.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Temporary registration.** The Secretary of State may issue a temporary registration certificate for a vehicle for which an application for registration has been made. Temporary registrations may be issued for periods not to exceed 45 days. Only one temporary registration may be issued per vehicle per year.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Trip permits.** The Secretary of State may issue 72-hour trip permits for vehicles required to be registered in the plan that have not been apportioned with this State. The fee for each trip permit is \$25 per vehicle. Trip permits provide all the privileges of the plan.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Display of registration plate.** Vehicles registered in the plan for the first time may be operated without displaying a registration plate if the vehicle has been issued a valid temporary registration by the base jurisdiction.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Facsimile credentials.** The Secretary of State may issue facsimile credentials identifying specific vehicles for registration purposes. Temporary facsimile credentials issued by another jurisdiction pursuant to the plan may be accepted as proof that a vehicle is legally registered.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Unladen weight permits.** The Secretary of State may issue unladen weight permits for motor vehicles based in this State or last registered in this State and otherwise required to be registered in the plan. An unladen weight permit allows a motor vehicle to be operated without a load in a plan jurisdiction without an apportioned registration. The fee for an unladen weight permit is \$25. The permit is valid for 30 days. The Secretary of State may require any information that the Secretary of State considers necessary.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Refunds.** The Secretary of State may issue a refund of registration fees paid for operating in this State when the Secretary of State determines that a registrant was assessed too great a registration fee. The Secretary of State may not refund a registration fee collected for another jurisdiction, but may assist a motor carrier based in this State in obtaining refunds from other member jurisdictions. The Secretary of State is not required to refund an amount of less than \$5.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Presentation of credentials.** Upon request of any law enforcement officer, an operator of a motor vehicle registered pursuant to the plan must present temporary or permanent credentials for inspection.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**9. Penalty.** The following penalties apply to violations of this section.

A. Notwithstanding any other provisions of this Title, a person who fails to comply with the registration requirements of the plan commits a traffic infraction. The minimum fine for this violation is \$500. The Secretary of State shall notify the registrant's base jurisdiction of the violation. [ 2003, c. 452, Pt. Q, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF). ]



B. A person who presents altered credentials commits a Class E crime. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [2003, c. 452, Pt. Q, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. Q, §8 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 452, §Q8 (AMD). 2003, c. 452, §X2 (AFF).

## §533. USE OF APPORTIONED EXCISE TAX

*(REPEALED)*

#### SECTION HISTORY

1995, c. 440, §2 (NEW). 1995, c. 440, §5 (AFF). 1997, c. 505, §1 (RP).

## §533-A. MUNICIPAL EXCISE TAX REIMBURSEMENT FUND

**1. Fund established.** The Municipal Excise Tax Reimbursement Fund, referred to in this section as the "fund," is established as a dedicated, nonlapsing fund.

[ 1997, c. 505, §2 (NEW) .]

**2. Deposits.** The Secretary of State shall deposit into the fund all revenue derived pursuant to section 531, subsection 6.

[ 1997, c. 505, §2 (NEW) .]

**3. Use of the fund.** The fund must be used as follows.

A. Between July 1st and October 31st, the Secretary of State shall disburse to a participating municipality a sum equal to the difference in the amount of excise tax that would have been collected by that municipality in the prior fiscal year on each commercial motor vehicle or bus under Title 36, section 1482, subsection 1, paragraph C, subparagraph (3) or (4) using the manufacturer's suggested retail price from the amount of that excise tax actually collected by that municipality in the prior fiscal year based on the actual purchase price. The Secretary of State shall provide supporting documentation to a municipality regarding the disbursement that municipality receives under this section. [2011, c. 646, §1 (AMD).]

B. By December 1st of the fiscal year in which disbursements are made under paragraph A, the Secretary of State shall transfer from the fund to the Highway Fund a sum equal to the difference in the total revenues derived pursuant to section 531, subsection 6 in the prior fiscal year from the total disbursements made under paragraph A in the current fiscal year. [2001, c. 361, §15 (AMD) .]

[ 2011, c. 646, §1 (AMD) .]

**4. Municipal participation optional.** Municipal participation in the reimbursement program under this section is optional. A participating municipality must collect and provide to the Secretary of State any information the Secretary of State requires to calculate reimbursement.

[ 1997, c. 505, §2 (NEW) .]

#### SECTION HISTORY

1997, c. 505, §2 (NEW). 2001, c. 361, §15 (AMD). 2011, c. 646, §1 (AMD).

## Subchapter 2: MOTOR CARRIER REGISTRATION

### §551. MULTISTATE AGREEMENT AND FEDERAL PROGRAMS

**1. Authorization.** The Secretary of State, acting with the concurrence of the Commissioner of Transportation and the Commissioner of Public Safety, may enter into a multistate agreement or federal program for the administration of this subchapter. The Secretary of State may participate in the Unified Carrier Registration System created under the federal Unified Carrier Registration Act of 2005 authorized in PL 109-59.

[ 2005, c. 649, §1 (AMD) .]

**2. Purpose.** It is the purpose of this section to:

A. Promote and encourage the fullest and most efficient use of the highway system by providing for a single point of contact for the administration of multistate and federal programs; [2005, c. 649, §1 (AMD) .]

B. Provide for a uniform set of rules among participating states; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

C. Enable participating states to act cooperatively in the collection of fees; and [2009, c. 598, §7 (AMD) .]

D. Establish and maintain the concept of one administrating state for each motor carrier based on the rules established under a multistate agreement or federal program. [2005, c. 649, §1 (AMD) .]

[ 2009, c. 598, §7 (AMD) .]

**3. Principle.** The Legislature, in authorizing the Secretary of State to enter into a multistate agreement or federal program, recognizes that the concept of one administrating state should promote the more efficient use of the highway system while protecting the travelling public. The Legislature further recognizes that a multistate agreement or federal program should reduce the administrative burden for the motor carrier industry by limiting the number of contacts necessary when a motor carrier operates in interstate commerce.

[ 2005, c. 649, §1 (AMD) .]

**4. Authorization.** The Secretary of State may enter into a multistate agreement or federal program for the administration of this subchapter consistent with the purposes and principles of this section. The Secretary of State may collect and distribute fees for other participating jurisdictions and receive fees from those jurisdictions collected on behalf of this State. The Secretary of State may collect, distribute and receive fees pursuant to the requirements of the federal Unified Carrier Registration Act of 2005 authorized by PL 109-59.

[ 2005, c. 649, §1 (AMD) .]

**5. Rules.** The Secretary of State, with the concurrence of the Commissioner of Transportation and the Commissioner of Public Safety, may make rules to implement a multistate agreement or federal program entered into under this section.

[ 2005, c. 649, §1 (AMD) .]

**6. Penalty.**

[ 2013, c. 530, §1 (RP) .]

## SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2005, c. 649, §1 (AMD). 2009, c. 598, §§7, 8 (AMD). 2013, c. 530, §1 (AMD).

**§552. OPERATING AUTHORITY LICENSE REQUIRED**

*(REPEALED)*

## SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §B6 (AMD). 1995, c. 65, §§A153,C15 (AFF). 2009, c. 435, §6 (AMD). 2009, c. 598, §9 (RP).

**§553. IDENTIFICATION DEVICE**

*(REPEALED)*

## SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A94 (AMD). 1995, c. 65, §§A153,C15 (AFF). 2009, c. 435, §7 (RP).

**§554. LAPSE OF LICENSE**

*(REPEALED)*

## SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §B7 (AMD). 1995, c. 65, §§A153,C15 (AFF). 2009, c. 435, §8 (RP).

**§555. BUREAU OF STATE POLICE; ENFORCEMENT**

**1. Rulemaking authority.** The Bureau of State Police, in this section referred to as "the bureau," may, in accordance with the Maine Administrative Procedure Act, modify or decline to adopt any of the federal regulations or amendments referenced in this section, adopt rules to ensure proper enforcement of this subchapter and to promote the safety of the operation of motor carriers over the highways. This authority includes the right to make rules related to the length of duty of drivers.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Adoption of federal regulations.** The bureau may adopt a rule to incorporate by reference federal regulations in 49 Code of Federal Regulations, Parts 40, 382, 383, 385, 390, 391, 392, 393, 395 and 396, and appendices, as amended, and may adopt amendments to those federal regulations. The following provisions apply to the adoption of federal regulations under this section.

A. Except as provided in paragraph A-1, the Maine Administrative Procedure Act does not apply to the adoption by reference of federal regulations under this subsection. [2007, c. 505, §1 (AMD).]

A-1. The rule adopted by the bureau under this subsection is a major substantive rule as defined in Title 5, chapter 375, subchapter 2-A if it:

(1) Adopts by reference any provision of the federal regulations described under this subsection that would substantively change any amendment to the federal regulations adopted by the bureau; or

(2) Adopts an amendment to any federal regulation described under this subsection. [ 2013 , c . 50 , §1 (AMD) . ]

A-2. The bureau may not adopt any rule that exempts motor carriers, vehicles or drivers transporting hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with 49 Code of Federal Regulations, Part 172 from any federal regulation adopted and incorporated by reference into any rule adopted by the bureau pursuant to this subsection. Notwithstanding paragraph A-1, the Maine Administrative Procedure Act does not apply to the amendment of any rule consistent with the prohibition set forth in this paragraph. [ 2009 , c . 251 , §1 (NEW) . ]

B. [ 1999 , c . 183 , §2 (RP) . ]

C. For the rule adopted under this subsection:

- (1) The bureau shall file with the Secretary of State:
  - (a) A certified copy of the rule;
  - (b) A published copy of the federal regulation or amendment as printed in the Federal Register; and
  - (c) Annually, a published copy of the updated volume of the Code of Federal Regulations containing the federal regulation.

The bureau shall make available for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations. [ 2013 , c . 50 , §1 (AMD) . ]

D. The Secretary of State shall publish, pursuant to Title 5, section 8053, subsection 5, a notice containing the following information:

- (1) A statement that the rule has been adopted and its effective date;
- (2) A brief description of the substance of the rule and the referenced federal regulation or amendment; and
- (3) The addresses at which copies of the rule and the federal regulation or amendment may be obtained. [ 2005 , c . 679 , §1 (AMD) . ]

E. The Secretary of State shall maintain and make available at the Secretary of State's office for inspection at no charge, and for copying or purchase at actual cost, current copies of the rule and include it within the compilations subject to Title 5, section 8056, subsection 3, paragraphs A-1 and B. The Secretary of State shall also make available for inspection at no charge and for copying at actual cost a current published copy of the referenced federal regulations and amendments. [ 2013 , c . 50 , §1 (AMD) . ]

F. A rule adopted under this section may not take effect until at least 5 days after filing with the Secretary of State, except that, if the bureau finds that immediate adoption of the rule is necessary to avoid an immediate threat to public health, safety or general welfare, the bureau may adopt the rule as an emergency rule in accordance with Title 5, section 8054, and that rule takes effect immediately. [ 1993 , c . 683 , Pt. A , §2 (NEW); 1993 , c . 683 , Pt. B , §5 (AFF) . ]

[ 2013 , c . 50 , §1 (AMD) . ]

**2-A. Agreement.** The bureau may make cooperative agreements with the Interstate Commerce Commission and the United States Department of Transportation to enforce the laws and regulations of the United States and this State concerning highway transportation.

[ 1993 , c . 2 , §17 (RNU) . ]

**2-B. Participation in federal pilot program; temporary exemptions from hours-of-service regulations.** The bureau may grant temporary exemptions from the weekly restrictions in the intrastate hours-of-service regulations for the transportation of home heating oil during the winter months for the purpose of enabling intrastate motor carriers conducting such operations to do so under terms and conditions identical to those used in the Pilot Program for Drivers Delivering Home Heating Oil published in the Federal Register Vol. 66, No. 135. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2003, c. 340, §1 (AMD) .]

**3. Precedence of rules.** For vehicles to which this chapter applies, if a conflict exists between these safety rules adopted pursuant to this section and other laws requiring safety equipment, rules adopted pursuant to this section control.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Enforcement.** Enforcement is as follows.

A. [2009, c. 598, §10 (RP).]

B. [2009, c. 598, §10 (RP).]

C. A law enforcement officer must investigate an alleged violation of this subchapter or a rule adopted by the bureau or by the United States Department of Transportation, prosecute violators and aid in the enforcement of the provisions of this subchapter. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. A state police officer or motor carrier inspector designated by the Chief of the State Police who has satisfactorily completed a prescribed course of instruction established by the Federal Motor Carrier Safety Administration and the bureau with respect to the Federal Motor Carrier Safety Administration regulations adopted pursuant to this section must investigate an alleged violation of this subchapter or a rule adopted by the bureau or by the United States Department of Transportation, prosecute violators and aid in the enforcement of the provisions of this subchapter. [2011, c. 164, §2 (NEW).]

E. A state police officer or motor carrier inspector designated in paragraph D is authorized:

(1) To stop, enter upon and inspect all commercial motor vehicles using the interstate highway system or public ways; and

(2) To inspect and copy records and inspect and examine lands, buildings and equipment of motor carriers for the purposes of verifying compliance with the Federal Motor Carrier Safety Administration regulations adopted pursuant to this section. [2011, c. 164, §3 (NEW).]

[ 2011, c. 164, §§2, 3 (AMD) .]

#### SECTION HISTORY

RR 1993, c. 2, §17 (COR). 1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 653, §6 (AMD). 1999, c. 183, §§2,3 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2001, c. 507, §1 (AMD). 2003, c. 340, §1 (AMD). 2005, c. 679, §1 (AMD). 2007, c. 505, §§1, 2 (AMD). 2009, c. 251, §1 (AMD). 2009, c. 598, §10 (AMD). 2011, c. 164, §§1-3 (AMD). 2013, c. 50, §1 (AMD).

## §555-A. UNITED STATES DEPARTMENT OF TRANSPORTATION CENSUS NUMBER

The bureau may require a motor carrier to have and display a United States Department of Transportation census number. The bureau may adopt rules to administer this section. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. [1997, c. 437, §13 (NEW).]

### SECTION HISTORY

1997, c. 437, §13 (NEW).

## §556. EXEMPTIONS

A motor vehicle is exempt from this subchapter, except sections 555, 555-A, 558-A, 560 and 562, as follows: [2013, c. 530, §2 (AMD).]

### 1. Exclusive use.

[2009, c. 598, §11 (RP).]

### 2. Single municipality.

[2009, c. 598, §12 (RP).]

**3. Government.** A vehicle engaged, directly or through a contractor, exclusively in construction or maintenance work for the Federal Government, the State, a county, a municipality or an Indian tribe; and

[2009, c. 598, §13 (AMD).]

### 4. Agricultural cooperatives.

[2009, c. 598, §14 (RP).]

### 5. Farm.

[2009, c. 598, §15 (RP).]

### 6. Passenger vehicles. While transporting passengers as follows:

A. [2009, c. 598, §16 (RP).]

B. [2009, c. 598, §16 (RP).]

C. [2009, c. 598, §16 (RP).]

D. [2009, c. 598, §16 (RP).]

E. A passenger motor carrier receiving state, municipal or federal subsidies is required to submit the passenger motor carrier operating name and list of equipment to the department and is subject to the rules of the Bureau of State Police pertaining to safety adopted under section 555. For the purpose of this section, the term "subsidies" includes assistance that is provided by the State Government, municipal government or Federal Government to offset operating losses or to acquire capital equipment. [2011, c. 356, §14 (AMD).]

[2011, c. 356, §14 (AMD).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §B8 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 482, §B15 (AMD). 1995, c. 482, §B22 (AFF). 1997, c. 437, §14 (AMD). 1997, c. 776, §22 (AMD). 2009, c. 598, §§11-19 (AMD). 2011, c. 356, §14 (AMD). 2013, c. 530, §2 (AMD).

## §557. MUNICIPAL AUTHORITY

This subchapter does not restrict the authority of a municipality to enact ordinances to regulate and control the routing, parking, speed or safety of operation of motor vehicles; to exercise general police power over its public ways; or to require compliance with certain conditions before a motor vehicle is operated within that municipality. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §558. VIOLATION OF PROVISIONS OF THIS SUBCHAPTER

*(REPEALED)*

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 376, §2 (AMD). 1995, c. 401, §1 (AMD). 1995, c. 482, §A5 (AMD). 1995, c. 625, §§A32,33 (AMD). 2003, c. 452, §§Q9,10 (AMD). 2003, c. 452, §X2 (AFF). 2007, c. 703, §15 (AMD). 2009, c. 251, §§2-4 (AMD). 2009, c. 598, §§20-22 (AMD). 2011, c. 219, §1 (AMD). 2011, c. 455, §1 (AMD). 2011, c. 455, §4 (AFF). 2013, c. 530, §3 (RP).

## §558-A. VIOLATION OF PROVISIONS OF SUBCHAPTER

**1. Crimes; penalties.** Except as provided in subsections 2 to 4, a person commits a crime if that person:

A. In fact violates this subchapter or a rule adopted pursuant to this subchapter. Violation of this paragraph is a Class E crime that is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A; [2013, c. 530, §4 (NEW).]

B. Intentionally or knowingly permits a violation of this subchapter or a rule adopted pursuant to this subchapter. Violation of this paragraph is a Class E crime; [2013, c. 530, §4 (NEW).]

C. In fact violates any provision of the rules of the Department of Public Safety, Bureau of State Police adopted under section 555 that incorporates by reference 49 Code of Federal Regulations, Section 391.41 (2007), or as amended, and that violation occurs as a result of the operation of a commercial motor vehicle by a person who has methadone or its metabolite in that person's body. Violation of this paragraph is a Class E crime; or [2013, c. 530, §4 (NEW).]

D. Intentionally or knowingly violates this subchapter or a rule adopted pursuant to this subchapter and the violation in fact causes either death or serious bodily injury to a person whose health or safety is protected by the provision violated and the death or serious bodily injury is a reasonably foreseeable consequence of the violation. Violation of this paragraph is a Class C crime. [2013, c. 530, §4 (NEW).]

The maximum fine for a violation of a state rule that adopts by reference the federal regulations found in 49 Code of Federal Regulations and that is not an out-of-service order is \$250, and the maximum fine for a violation of a state rule that adopts by reference the federal regulations found in 49 Code of Federal Regulations and that meets the definition of an out-of-service order as defined in 49 Code of Federal Regulations is \$500. For purposes of this subsection, "out-of-service order" means a declaration by a law

enforcement officer authorized to enforce the provisions of this subchapter that a driver, a commercial motor vehicle or a motor carrier operation is out of service pursuant to 49 Code of Federal Regulations, Sections 386.72, 392.5, 392.9a, 395.13 or 396.9, or compatible laws, or the North American Standard Out-of-Service Criteria.

[ 2013, c. 530, §4 (NEW) .]

**2. Traffic infractions involving federal regulations; violations.** The following provisions govern traffic infractions.

A. A person may not violate any provision of the rules of the Department of Public Safety, Bureau of State Police adopted under section 555 that incorporates by reference any of the following federal regulations or that is an amended version of any of the following federal regulations:

- (1) 49 Code of Federal Regulations, Section 390.21 (2007);
- (2) Except as otherwise provided in subsection 1, paragraph C, 49 Code of Federal Regulations, Section 391.41 (2007);
- (3) 49 Code of Federal Regulations, Sections 392.16, 392.22, 392.24, 392.25, 392.33, 392.71, 392.80 and 392.82 (2007);
- (4) Any section of 49 Code of Federal Regulations, Part 393 (2007);
- (4-A) 49 Code of Federal Regulations, Sections 395.3(a)(3)(ii), 395.8(d) and 395.8(i) (2014); or
- (5) 49 Code of Federal Regulations, Part 396, except Sections 396.7 and 396.9 (2007). [ 2015, c. 176, §1 (AMD) .]

B. The following provisions govern penalties for violations of this subsection.

- (1) A person who violates this subsection commits a traffic infraction for which a fine of \$250 must be adjudged.
- (2) A person who violates this subsection after having previously violated this subsection commits a traffic infraction for which a fine of \$500 must be adjudged. [ 2013, c. 530, §4 (NEW) .]

[ 2015, c. 176, §1 (AMD) .]

**3. Traffic infractions not involving federal regulations; violations.** A person may not violate any provision of the Secretary of State's rules adopted pursuant to section 551. The following penalties apply to violations of this subsection.

A. A person who violates this subsection commits a traffic infraction for which a fine of \$250 must be adjudged. [ 2013, c. 530, §4 (NEW) .]

B. A person who violates this subsection after having previously violated this subsection commits a traffic infraction for which a fine of \$500 must be adjudged. [ 2013, c. 530, §4 (NEW) .]

[ 2013, c. 530, §4 (NEW) .]

**4. Civil violations.** A person commits a civil violation if that person violates this subchapter or a rule adopted pursuant to this subchapter and the violation is discovered during a compliance review as that term is defined in 49 Code of Federal Regulations, Section 385.3, unless the compliance review occurs during the course of or as a result of a criminal investigation. A person who violates this subsection is subject to a fine



that must be determined with due consideration of the Federal Motor Carrier Safety Administration's uniform fine assessment program. A fine imposed may not be greater than the fine amount provided in the Federal Motor Carrier Safety Administration's uniform fine assessment program.

[ 2013, c. 530, §4 (NEW) .]

#### SECTION HISTORY

2013, c. 530, §4 (NEW). 2015, c. 176, §1 (AMD).

### **§558-B. NOTIFICATION BY COURT TO SECRETARY OF STATE OF A FAILURE TO APPEAR OR NONCOMPLIANCE WITH COURT ORDER; RESULTING SUSPENSION**

**1. Notification by court.** If a person after being ordered to appear to answer a violation fails to appear or after appearing fails to comply with an order issued pursuant to this subchapter, the court shall notify the Secretary of State.

[ 2013, c. 530, §4 (NEW) .]

**2. Suspension of registration.** After receiving notice pursuant to subsection 1, the Secretary of State shall suspend the person's commercial registration certificates and plates and the privilege to operate a commercial motor vehicle in this State. The suspension must remain in effect until the person appears in court and complies with a court order.

[ 2013, c. 530, §4 (NEW) .]

#### SECTION HISTORY

2013, c. 530, §4 (NEW).

### **§559. AGENTS FOR SERVICE OF PROCESS (REPEALED)**

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A95 (AMD). 1995, c. 65, §§A153,C15 (AFF). 2009, c. 598, §23 (RP).

### **§560. CERTIFICATE OF CHIEF OF STATE POLICE; SECRETARY OF STATE**

The certificate of the Chief of the State Police must be received in any court of law in this State as prima facie evidence of the making or issuing by the Bureau of State Police of any rule authorized by this chapter. The certificate of the Secretary of State or the Secretary of State's deputy, under seal of the State, must be received in any court of law in this State or in any proceeding pursuant to this chapter as prima facie evidence of the issuance, suspension, revocation or restoration of any driver's license, or the issuance, suspension, annulment or restoration of any motor vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

### **§561. TRANSPORTATION SAFETY FUND (REPEALED)**

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 273, §1 (AMD). 1997, c. 394, §A1 (AMD). 2001, c. 565, §F1 (RP).

## §561-A. FINES AND FEES

Fines and fees authorized by this subchapter must be deposited with the Treasurer of State and accounted for by the State Controller as undedicated revenue to the Highway Fund. [2001, c. 565, Pt. F, §2 (NEW).]

### SECTION HISTORY

2001, c. 565, §F2 (NEW).

## §562. MOTOR CARRIER REVIEW BOARD

**1. Establishment.** The Motor Carrier Review Board, as established by Title 5, section 12004-G, subsection 33-C and referred to in this section as the "board," is created to review motor carriers whose Bureau of Motor Vehicle records indicate significant and repeated motor carrier violations.

[ 1995, c. 376, §3 (NEW) .]

**2. Members.** The board consists of 7 members appointed by the Governor to serve 3-year terms expiring December 31st as follows:

A. One member who is a representative of the Maine Motor Transport Association; [1995, c. 376, §3 (NEW).]

B. One member who is a representative of a motor carrier that owns fewer than 10 commercial motor vehicles; [1995, c. 376, §3 (NEW).]

C. One member who is a representative of a motor carrier that owns 10 or more commercial motor vehicles; [1995, c. 376, §3 (NEW).]

D. One member who is a representative of the Maine Forest Products Council; [1995, c. 376, §3 (NEW).]

E. One member who is a representative of the commercial motor vehicle insurance industry; [1995, c. 376, §3 (NEW).]

F. One member who is a representative of the Maine Professional Drivers' Association; and [1995, c. 376, §3 (NEW).]

G. One member who is a resident of this State and who is not and has never been employed in the motor carrier industry. [1995, c. 376, §3 (NEW).]

The Governor shall name the chair from among the appointed members.

[ 2001, c. 361, §16 (AMD) .]

**3. Powers and duties.** The board shall review the records of motor carriers with significant and repeated motor carrier violations. The board may hold a hearing as part of its review and must hold a hearing if requested by the motor carrier. The board may recommend to the Secretary of State that the motor carrier's privilege to operate commercial vehicles in the State be suspended.

[ 2009, c. 598, §24 (AMD) .]

**4. Rules.** The board may adopt rules pursuant to the Maine Administrative Procedure Act to carry out the purposes of this section.

[ 1995, c. 376, §3 (NEW) .]

**5. Staffing and expenses.** The Secretary of State shall provide administrative support and compensation for actual and necessary expenses of the board.

[ 1995, c. 376, §3 (NEW) .]

SECTION HISTORY

1995, c. 376, §3 (NEW). 2001, c. 361, §16 (AMD). 2009, c. 598, §24 (AMD).

## Chapter 7: TITLE TO VEHICLES

### Subchapter 1: GENERAL PROVISIONS

#### §601. SHORT TITLE; CONSTRUCTION

This chapter may be cited as the "Maine Motor Vehicle Certificate of Title and Antitheft Act." [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

This chapter must be construed to effectuate its general purpose and to make it uniform with similar laws of other states. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

##### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

#### §602. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Certificate of origin.** "Certificate of origin" means the original written instrument or document required to be executed and delivered by the manufacturer or an importer to the manufacturer's or importer's agent or dealer or a person purchasing directly from the manufacturer or importer certifying the origin of the vehicle. For a motor home, "certificate of origin" means both the manufacturer's and the chassis manufacturer's certificates of origin.

[ 1995, c. 482, Pt. A, §6 (AMD) .]

**1-A. Clip.** A clip is the portion of a vehicle removed by cutting the front or rear of the frame or unibody the width of the vehicle.

[ 1995, c. 482, Pt. A, §9 (NEW) .]

**2. Component part.** "Component part" means one of the following parts of a vehicle:

A. Engine or motor; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Transmission; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Chassis, front or rear clip, frame or equivalent part; [1995, c. 482, Pt. A, §7 (AMD).]

D. Door; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. Hood; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. Tailgate, roof, deck lid or hatchback; [1995, c. 482, Pt. A, §7 (AMD).]

G. Quarter panel or fender; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

H. Front fork or crankcase of a motorcycle; [2001, c. 361, §17 (AMD); 2001, c. 361, §38 (AFF).]

I. Cargo bed, transfer case or sleeper of a truck; or [2001, c. 361, §17 (AMD); 2001, c. 361, §38 (AFF).]

J. Airbag. [2001, c. 361, §18 (NEW); 2001, c. 361, §38 (AFF).]

[ 2001, c. 361, §§17, 18 (AMD); 2001, c. 361, §38 (AFF) .]

**3. Dealer.** "Dealer" means a person engaged in the business of buying, selling, exchanging or offering to negotiate, negotiating or advertising the sale of, a vehicle and who has:

A. An established place of business for those purposes in this State; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A current dealer license issued by the Secretary of State. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Dismantled vehicle.** "Dismantled vehicle" means a vehicle with a component part removed.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Identification number.** "Identification number" means the vehicle identification number and any other identifying numbers or letters on a vehicle designated by a manufacturer, the Secretary of State or equivalent authority in another state.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Insurance salvage pool.** "Insurance salvage pool" means a person engaged in the business of storing salvage vehicles on behalf of an insurer and disposing of the salvage vehicles through a system of bidding or sales, regardless of whether the insurer or the insurance salvage pool is considered the seller.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Lienholder.** "Lienholder" means a person holding a security interest in a vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Owner.** "Owner" means a person, other than a lienholder, that has control or title to a vehicle. "Owner" includes, but is not limited to, a person entitled to use and possess a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**9. Perfected security interest.** "Perfected security interest" means security interest that is valid against 3rd parties generally, subject only to specific statutory exceptions.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**9-A. Permanently affixed.** "Permanently affixed" means, with respect to manufactured housing, placed on a foundation or slab or other form of permanent attachment to the site and connected to conventional and necessary utility systems.

[ 2013, c. 125, §2 (NEW) .]

**10. Rebuild.** "Rebuild" means to replace one or more of the following component parts of a vehicle:

A. Engine or motor; [2001, c. 361, §19 (NEW); 2001, c. 361, §38 (AFF).]

B. Transmission; [2001, c. 361, §19 (NEW); 2001, c. 361, §38 (AFF).]

C. Chassis, front or rear clip, frame or equivalent part; [2001, c. 361, §19 (NEW); 2001, c. 361, §38 (AFF).]

D. Door; [2001, c. 361, §19 (NEW); 2001, c. 361, §38 (AFF).]

E. Hood; [2001, c. 361, §19 (NEW); 2001, c. 361, §38 (AFF).]

F. Tailgate, roof, deck lid or hatchback; [2001, c. 361, §19 (NEW); 2001, c. 361, §38 (AFF).]

G. Quarter panel or fender; [2001, c. 361, §19 (NEW); 2001, c. 361, §38 (AFF).]

H. Front fork or crankcase of a motorcycle; or [2001, c. 361, §19 (NEW); 2001, c. 361, §38 (AFF).]

I. Cargo bed, transfer case or sleeper of a truck. [2001, c. 361, §19 (NEW); 2001, c. 361, §38 (AFF).]

[ 2001, c. 361, §19 (AMD); 2001, c. 361, §38 (AFF) .]

**11. Recycler.** "Recycler" means a person engaged in the business of purchasing or acquiring salvage vehicles for the purpose of:

A. Reselling the vehicle or its component parts; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Rebuilding or repairing the vehicle for the purpose of resale; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Selling the vehicle's basic materials; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Permitting the display or storage of the vehicle or its parts; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. Acting as a scrap processor. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**12. Repair.** "Repair" means to remedy structural or other damage without replacing component parts of a vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**13. Salvage vehicle.** "Salvage vehicle" means a vehicle that, by reason of its condition or circumstance, is declared a total loss by an insurer or owner or is transferred to a recycler or salvage dealer, or a vehicle for which a certificate of salvage has been issued.

[ 1995, c. 482, Pt. A, §8 (AMD) .]

**14. Scrap.** "Scrap," the verb, means to compress, shred or destroy.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**15. Scrap processor.** "Scrap processor" means a person that is engaged in the business of scrapping salvage vehicles for the basic material in them but that is not engaged in the business of selling parts or rebuilding or repairing salvage vehicles.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**16. Security agreement.** "Security agreement" means a written agreement that reserves or creates a security interest.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**17. Security interest.** "Security interest" means an interest in a vehicle reserved or created by agreement and that secures payment or performance of an obligation, including, but not limited to, the interest of a lessor under a lease intended as security.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**18. State.** "State" means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**19. Total loss.** "Total loss" means a vehicle that is transferred to an insurer due to damage, destruction or theft, or a vehicle determined by an owner to have no marketable value other than the value of the basic material and parts used in the construction of the vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**20. Vehicle.** "Vehicle" means a vehicle, as defined in section 101, or the body or chassis of any vehicle that is to be dismantled, scrapped or rebuilt.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §§A6-9 (AMD). 2001, c. 361, §§17-19 (AMD). 2001, c. 361, §38 (AFF). 2013, c. 125, §2 (AMD).

## §603. FEES

**1. Fee of \$33.** A fee of \$33 must be paid to the Secretary of State for the following:

A. A report of a search of the records of the Bureau of Motor Vehicles for each name or identification number; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. Filing an application for a first certificate of title, including security interest; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §25 (AFF) .]

C. Filing notice of a security interest after the first certificate of title has been issued; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

D. A certificate of title after a transfer; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

E. A certificate of salvage; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

F. A corrected certificate of title or salvage; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

G. A duplicate certificate; [2007, c. 703, §16 (AMD) .]

H. Assignment of a new vehicle identification number; [2007, c. 703, §17 (AMD) .]

I. A 2nd or subsequent security interest noted on an application for certificate of title; [ 2007, c. 703, §18 (NEW) . ]

J. Filing an assignment of a security interest; or [ 2007, c. 703, §19 (NEW) . ]

K. An ordinary certificate of title issued on surrender of a distinctive certificate. [ 2007, c. 703, §20 (NEW) . ]

Beginning July 1, 2009, \$10 of the fee must be transferred on a quarterly basis by the Treasurer of State to the TransCap Trust Fund established by Title 30-A, section 6006-G.

For a person who possesses a trailer or semitrailer registration pursuant to section 512, subsection 3, the fee is \$18.

[ 2007, c. 647, §4 (AMD); 2007, c. 647, §8 (AFF); 2007, c. 703, §§16-20 (AMD) . ]

## **2. Fee of \$2.50.**

[ 2007, c. 703, §21 (RP) . ]

**3. Dealer charges.** A vehicle dealer may not charge fees for titling purposes in excess of those in this section.

Other fees charged for document processing must be disclosed to a purchaser prior to final sale and be clearly posted on a vehicle to which the charge applies.

Violation of this subsection is a Class E crime.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**3-A. Expedited issuance of document.** An applicant requesting the expedited issuance of a document described in subsection 1 must pay an additional fee of \$10 and state the reason for the request. The Secretary of State shall determine if an expedited issuance is warranted and process the request accordingly.

[ 2009, c. 598, §25 (AMD) . ]

**4. Penalty.** If an application, certificate of title or other document required to be delivered to the Secretary of State is not delivered to the Secretary of State within 30 days, the Secretary of State shall collect \$50 as a penalty.

[ 2003, c. 652, Pt. A, §3 (AMD); 2003, c. 652, Pt. A, §7 (AFF) . ]

**5. Exemption from title fees.** Owners exempt from registration fees are also exempt from title fees.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**6. Abandoned vehicles declared total loss.** A towing company is exempt from a title fee if:

A. The towing company tows a vehicle at the request of a law enforcement officer; [ 2001, c. 563, §1 (NEW) . ]

B. The towing company declares a vehicle a total loss while claiming the vehicle pursuant to chapter 15, subchapter III; [ 2001, c. 563, §1 (NEW) . ]

C. The Secretary of State notifies the vehicle owner that the vehicle is claimed under the abandoned vehicle law as required in section 1854; and [ 2001, c. 563, §1 (NEW) . ]



D. The Secretary of State requests the title fee under subsection 1, paragraph E from the vehicle owner.  
[ 2001, c. 563, §1 (NEW). ]

[ 2001, c. 563, §1 (NEW) . ]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §B9 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1997, c. 25, §Q1 (AMD). 1997, c. 25, §Q3 (AFF). 1997, c. 776, §23 (AMD). 1999, c. 470, §7 (AMD). 2001, c. 440, §C1 (AMD). 2001, c. 563, §1 (AMD). 2003, c. 235, §1 (AMD). 2003, c. 652, §A3 (AMD). 2003, c. 652, §A7 (AFF). 2007, c. 647, §4 (AMD). 2007, c. 647, §8 (AFF). 2007, c. 703, §§16-22 (AMD). 2009, c. 598, §25 (AMD).

## Subchapter 2: CERTIFICATE OF TITLE AND CERTIFICATE OF SALVAGE

### §651. CERTIFICATE OF TITLE REQUIRED

**1. Application of subchapter.** Except as provided in section 652, this subchapter applies to a vehicle at first registration or when a change of registration is required by reason of a sale for consideration.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**2. Renewal.** The Secretary of State may not require an application for a certificate of title upon renewal of registration.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**3. Warranty title; antique auto; horseless carriage; antique motorcycle; classic vehicle.** The Secretary of State may, on documented and notarized evidence of ownership and payment of a \$40 fee, issue a warranty title to a Maine resident owner of an antique auto, horseless carriage, antique motorcycle or classic vehicle. A warranty title denotes that there are no known liens or encumbrances against the vehicle.

[ 2011, c. 356, §15 (AMD) . ]

**4. Certificate of salvage.** The Secretary of State may issue a certificate of salvage upon surrender of a certificate of title and evidence that a vehicle was declared a total loss by an owner or an insurance company.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**5. Certificate of lien.** The Secretary of State shall assign a lien to the first named lienholder, when a certificate of title or a certificate of salvage names a lienholder.

[ 1995, c. 645, Pt. A, §6 (AMD); 1995, c. 645, Pt. A, §18 (AFF) . ]

**6. Manufactured housing.** Beginning October 1, 2007, the Secretary of State shall issue certificates of title for new single-unit manufactured housing beginning with model year 2007. Beginning October 1, 2007 and ending September 30, 2009, the Secretary of State shall issue a certificate of title for used manufactured housing that was previously issued a State of Maine certificate of title. Beginning October 1, 2009, the Secretary of State may issue a certificate of title for used manufactured housing that was previously issued

a State of Maine certificate of title or a model year 2007 or later model that was never issued a certificate of title. A certificate of title issued pursuant to this subsection remains in effect unless cancelled pursuant to section 669.

[ 2009, c. 435, §9 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §A6 (AMD). 1995, c. 645, §A18 (AFF). 2005, c. 678, §6 (AMD). 2005, c. 678, §13 (AFF). 2007, c. 466, Pt. A, §47 (AMD). 2007, c. 466, Pt. A, §49 (AMD). 2009, c. 435, §9 (AMD). 2011, c. 356, §15 (AMD).

### **§651-A. REQUIRE CERTIFICATE OF LIEN; CERTIFICATE OF TITLE; CERTIFICATE OF SALVAGE**

Notwithstanding any other provision of this Title, the Secretary of State may require a certificate of lien, certificate of title or certificate of salvage when necessary to perfect a lien. [1995, c. 645, Pt. A, §7 (NEW) .]

#### SECTION HISTORY

1995, c. 645, §A7 (NEW).

### **§651-B. CERTIFICATE OF TITLE PERMISSIBLE**

A semitrailer, regardless of model year, with an unladen weight in excess of 3,000 pounds that is used for interstate or intrastate transportation may be titled in this State even if the semitrailer is registered in another jurisdiction. [2001, c. 671, §11 (AMD) .]

#### SECTION HISTORY

2001, c. 361, §20 (NEW). 2001, c. 671, §11 (AMD).

### **§652. EXEMPTED VEHICLES**

A certificate of title or a certificate of salvage is not required for: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**1. United States' vehicle.** A vehicle owned by the Federal Government, unless it is registered in this State or, at the discretion of the Secretary of State, a vehicle owned by the Federal Government that is loaned to the State, a municipality or a veterans' organization;

[ 1997, c. 100, §1 (AMD) .]

**2. Manufacturer's or dealer's vehicle.** A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or a vehicle used by a manufacturer solely for testing;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2-A. Public; nonprofit organization.** Any public or nonprofit organization as described in section 951, subsection 4;

[ 2001, c. 671, §12 (NEW) .]

**3. Nonresident's vehicle.** A vehicle owned by a nonresident and not required to be registered in this State, unless it is registered in this State;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Vehicles used in interstate or intrastate transportation.** A vehicle regularly engaged in interstate or intrastate transportation of persons or property, for which a current certificate of title has been issued in another state;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4-A. Semitrailers.** Semitrailers that qualify to be registered under section 512 with an unladen weight in excess of 3,000 pounds and that are used for interstate or intrastate transportation and for which a current certificate of title has been issued in another state;

[ 2001, c. 361, §21 (AMD) .]

**5. Self-propelled wheelchair.** A self-propelled wheelchair;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Trailers under 3,000 pounds.** A trailer with an unladen weight of 3,000 pounds or less;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Motorcycle or moped of less than 300 cubic centimeters.** A motorcycle or a moped with an engine displacement of less than 300 cubic centimeters;

[ 2005, c. 577, §11 (AMD) .]

**8. Resident's vehicle registered in another state.** A vehicle owned by a resident but registered in another state;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**9. Manufactured housing.** Manufactured housing that is:

A. Sold before October 1, 2007; [2007, c. 466, Pt. A, §48 (AMD); 2007, c. 466, Pt. A, §49 (AFF).]

B. Model year 2006 or older; [2005, c. 678, §7 (NEW); 2005, c. 678, §13 (AFF).]

C. Multisectional; [2005, c. 678, §7 (NEW); 2005, c. 678, §13 (AFF).]

D. Defined in section 101, subsection 32-B, paragraph B; or [2005, c. 678, §7 (NEW); 2005, c. 678, §13 (AFF).]

E. Permanently affixed to real property that is owned by the owner of the manufactured housing within 30 days of the date of sale. [2013, c. 125, §3 (AMD).]

[ 2013, c. 125, §3 (AMD) .]

**10. Certain driver education vehicles.** A vehicle loaned by a dealer to a municipality or a private secondary school for use in driver education in a secondary school;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**11. Special mobile equipment.** Special mobile equipment;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**12. Special equipment.** Special equipment;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**13. Certain automobiles, commercial vehicles and vehicles.** Automobiles and all over-the-road commercial vehicles with a model year prior to 1995, except when the Secretary of State determines it is in the best interest of the State and the applicant to issue a title to a vehicle with a model year prior to 1995;

[ 2009, c. 435, §10 (AMD) .]

**14. Salvage vehicle.** A salvage vehicle with a certificate of salvage or other comparable document from another state;

[ 2003, c. 490, Pt. D, §3 (AMD) .]

**15. Other vehicles.** A vehicle required to be registered under section 109, subsection 3 for which a current certificate of title has been issued in another state;

[ 2009, c. 598, §26 (AMD) .]

**16. Low-speed vehicle.** A low-speed vehicle loaned by a dealer to a municipality;

[ 2015, c. 88, §1 (AMD) .]

**17. Off-road vehicle.** An off-road vehicle; and

[ 2015, c. 88, §2 (AMD) .]

**18. Vehicle model year 1995 to 1999.** A vehicle that is model year 1995, 1996, 1997, 1998 or 1999 if:

A. A recycler, salvage vehicle dealer or scrap processor obtains the seller's name and the address of the seller's residence from a government-issued photograph identification document or credential and maintains the seller's name and address and vehicle identification number of the scrapped vehicle for a period of at least one year; and [ 2015, c. 88, §3 (NEW) .]

B. A recycler, salvage vehicle dealer or scrap processor reports the destruction of the vehicle to the Secretary of State within 30 days in a manner prescribed by the Secretary of State. [ 2015, c. 88, §3 (NEW) .]

This subsection applies only to vehicles that are scrapped. For purposes of this subsection, a government-issued photograph identification document or credential includes, but is not limited to, a current and valid United States passport, military identification, driver's license or nondriver identification card.

[ 2015, c. 88, §3 (NEW) .]

## SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 250, §1 (AMD). 1997, c. 100, §1 (AMD). 1999, c. 470, §§8,9 (AMD). 2001, c. 361, §21 (AMD). 2001, c. 671, §12 (AMD). 2003, c. 490, §§D3,4 (AMD). 2005, c. 577, §11 (AMD). 2005, c. 678, §7 (AMD). 2005, c. 678, §13 (AFF). 2007, c. 466, Pt. A, §48 (AMD). 2007, c. 466, Pt. A, §49 (AFF). 2009, c. 435, §10 (AMD). 2009, c. 598, §§26-28 (AMD). 2013, c. 125, §3 (AMD). 2015, c. 88, §§1-3 (AMD).

## §653. CERTIFICATE OF ORIGIN

**1. Execution upon delivery.** When a new vehicle is delivered by a manufacturer or importer to an agent or a franchised dealer, the manufacturer or the importer shall execute and deliver a certificate of origin.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Certificate of origin required.** A person may not bring into this State a new vehicle, unless that person possesses the certificate of origin. The certificate of origin must be a secure document.

[ 1995, c. 482, Pt. A, §10 (AMD) .]

**3. Information contained in certificate.** The certificate of origin must contain:

A. The manufacturer's vehicle identification number; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The name of the manufacturer; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The number of cylinders; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. A general description of the body; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. The model year designation; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. The type of model. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Sale.** When a new vehicle is sold, the seller shall execute and deliver to the purchaser an assignment of the certificate of origin with the names and the business or residence addresses of both. The seller shall certify that the assignment was executed with full knowledge of the contents by and with the consent of both purchaser and seller.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Penalty.** Violation of this section is a Class E crime.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §A10 (AMD) .

## §654. APPLICATION FOR CERTIFICATE OF TITLE AND CERTIFICATE OF SALVAGE

**1. Contents.** An application to the Secretary of State for a certificate of title or a certificate of salvage must be made on a form prescribed by the Secretary of State, be signed by the owner of the vehicle and contain the following information:

A. The name, residence and mailing address of the owner; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A description of the vehicle, including, as far as data exists, its make, model, model year, vehicle identification number, type of body, current mileage, whether new or used and whether repaired or rebuilt; [1995, c. 482, Pt. A, §11 (AMD).]

B-1. Beginning January 1, 2002, the manufacturer's suggested retail price pursuant to Title 36, section 1482, subsection 4, paragraph A minus the destination charge must be included on the certificate of title application for a new vehicle. For a used vehicle sold in this State after January 1, 2002 or sold in another state or country, the manufacturer's suggested retail price must be included on the certificate of title application if it appears on the original certificate of title issued by the State. [2001, c. 671, §13 (AMD).]

C. The date of purchase by the applicant, the name and address of the person from whom the vehicle was acquired; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. If for a certificate of title, the names and addresses of lienholders in the order of their priority and the dates of their liens; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. If for a new vehicle, a certificate of origin; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. If for a used vehicle, a previous certificate of title; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

G. Any further information that the Secretary of State requires to identify the vehicle and to enable determination of whether the owner is entitled to a certificate and the existence of security interests in the vehicle; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

H. The required fee. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2001, c. 671, §13 (AMD) .]

**2. Purchased from the dealer.** If the application is for a vehicle purchased from a dealer, in addition to the requirement set forth in subsection 1, the application must be signed by the dealer and must contain the name and the address of any lienholder or assignee holding an interest created or reserved at the time of sale and the date of the lien. The dealer shall, within 30 days after the sale, deliver the application to the Secretary of State. The dealer must deliver a copy of the application to the lienholder.

Violation of this subsection is a traffic infraction for which a fine of not less than \$100 and not more than \$500 may be adjudged for each infraction.

[ 2011, c. 356, §16 (AMD) .]

**3. Registered in another state.** If the application is for a vehicle last registered in another jurisdiction, in addition to the requirements set forth in subsection 1, the application must include:

A. A certificate of title or a certificate of salvage issued by that jurisdiction; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The certificate of a person authorized by the Secretary of State that the identification number of the vehicle has been inspected and found to conform to the description given in the application, or other proof of the identity of the vehicle required by the Secretary of State. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Vehicle declared total loss.** If a vehicle is declared a total loss by an owner or insurer, the owner or insurer shall file an application for a certificate of salvage pursuant to section 667. The application must be on a form prescribed by the Secretary of State and, in addition to the requirements set forth in subsection 1, must include:

A. A certificate of title or a certificate of origin; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Any other information or documents the Secretary of State requires to administer the provisions of this section. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

The Secretary of State shall act on an application for a certificate of salvage within 20 days of receipt of an application submitted in accordance with section 603, subsection 3-A or section 655.

[ 1997, c. 437, §15 (AMD) .]

**5. Manufactured housing.** The following provisions govern applications for a certificate of title for manufactured housing.

A. An application for new single-unit manufactured housing must be submitted to the Secretary of State by the retail seller. If the manufactured housing is purchased new out of state, the application must be submitted by the lienholder or the owner. The application must be accompanied by the manufacturer's certificate of origin. [2005, c. 678, §8 (NEW); 2005, c. 678, §13 (AFF).]

B. An application for used single-unit manufactured housing must be submitted by the retail seller. In the absence of a retail seller located in this State, the application must be submitted by the lienholder. In the absence of a retail seller and a lienholder, the application must be submitted by the owner. The application must be accompanied by the previous State of Maine certificate of title. [2005, c. 678, §8 (NEW); 2005, c. 678, §13 (AFF).]

[ 2005, c. 678, §8 (NEW); 2005, c. 678, §13 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §A11 (AMD). 1997, c. 437, §15 (AMD). 2001, c. 18, §1 (AMD). 2001, c. 671, §13 (AMD). 2003, c. 652, §A4 (AMD). 2003, c. 652, §A7 (AFF). 2005, c. 678, §8 (AMD). 2005, c. 678, §13 (AFF). 2011, c. 356, §16 (AMD).

## §655. MISSING OWNERSHIP DOCUMENTS OR ASSIGNMENTS

**1. Application for certificate.** The owner of a vehicle who is unable to obtain a certificate of origin, certificate of title, certificate of salvage or an assignment of these documents showing sale to the owner may file with the Secretary of State an application for a certificate in the owner's name. The application must be accompanied by the required fee.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Evidence.** The owner shall provide evidence that:

A. The applicant is the true owner of the vehicle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. There are no prior outstanding liens against the vehicle; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The applicant has been unsuccessful in an attempt to have the certificate or other documents transferred or assigned because the prior owner can not be located, has ignored the request or refuses to transfer or assign the documents to the applicant. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Review of application and evidence.** The Secretary of State shall review the application, examine the evidence and investigate the ownership of the vehicle. As part of that investigation, the Secretary of State shall:

A. Request the prior owner or holder of the certificate or other document to remit the document to the Secretary of State or make the necessary assignments; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Notify the prior owner, at the prior owner's last known address, of the Secretary of State's intent to issue a certificate of title or a certificate of salvage to the new owner. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Issuance of certificate of title or certificate of salvage to new owner.** The Secretary of State shall issue a certificate of title or certificate of salvage to the new owner:

A. If the prior owner or holder of the document remits the document and properly assigns it to the new owner; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. When the prior owner or holder fails to provide the document or make the necessary assignment, if:

- (1) The prior owner or holder does not contest, within 15 days of receiving notice, the intent to issue a certificate to the new owner;
- (2) There is satisfactory proof of ownership; and
- (3) The certificate includes the statement: "This certificate may be subject to the rights of a prior owner." [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Delivery.** The certificate of title or certificate of salvage must be sent to the owner named on the certificate. If a lienholder is named on the certificate, the Secretary of State shall send a certificate of title or certificate of salvage to the first named lienholder.

[ 1997, c. 437, §16 (AMD) .]

**6. Ordinary certificate.** If the Secretary of State does not receive a notice of interest of a prior owner within 6 months from the issuance of the certificate, the holder may be issued a certificate in ordinary form to replace the one issued as described in subsection 4, paragraph B, subparagraph (3).

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 437, §16 (AMD).



## §656. SECRETARY OF STATE TO CHECK IDENTIFICATION NUMBER

Upon receiving an application for a certificate of title or certificate of salvage, the Secretary of State shall check the identification number in the application against the records of certificates issued and of stolen or converted vehicles. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §657. ISSUANCE OF CERTIFICATE

The Secretary of State shall issue a certificate of title or certificate of salvage as provided in this section. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Original certificate.** When satisfied of an application's genuineness and regularity and that the applicant is entitled to a certificate, the Secretary of State shall issue an original certificate of title or certificate of salvage.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Assignment of title.** The Secretary of State, upon receipt of a properly assigned certificate of title or certificate of salvage with an application for a new certificate, the required fee and any other documents required by law, shall issue a new certificate of title or certificate of salvage in the name of the transferee as owner and mail that certificate to the owner. If a lienholder is named on the certificate of title or certificate of salvage, the Secretary of State must mail a certificate of lien, certificate of title or certificate of salvage to the first named lienholder.

[ 1995, c. 645, Pt. A, §8 (AMD); 1995, c. 645, Pt. A, §18 (AFF) .]

**3. New certificate.** The Secretary of State may issue a new certificate of title or certificate of salvage as provided in section 655.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Involuntary transfer.** The Secretary of State, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. If the outstanding certificate of title is not delivered to the Secretary of State, the Secretary of State shall demand the outstanding certificate of title from the holder.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Records.** The Secretary of State shall maintain a record of issued certificates of title and salvage, which must be recorded:

A. Under a distinctive title number assigned to the vehicle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Under the identification number of the vehicle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Alphabetically, under the name of the owner; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. By any other method. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Inspection.** Before a certificate of title or a certificate of salvage is issued, the Secretary of State may require that a vehicle be inspected for conformity to the description given in the application.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Mailing of certificate.** The Secretary of State shall mail a certificate of title or certificate of salvage to the owner named on the certificate. The Secretary of State shall also mail a certificate of lien, certificate of title or certificate of salvage to the first lienholder named on the certificate.

[ 1995, c. 645, Pt. A, §8 (AMD); 1995, c. 645, Pt. A, §18 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §A8 (AMD). 1995, c. 645, §A18 (AFF).

## §658. INFORMATION CONTAINED ON CERTIFICATES

**1. Contents.** A certificate of title or salvage must contain the following information:

A. The date issued; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. The name and address of the owner; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

C. The names and addresses of lienholders, in the order of priority as shown on the application or prior certificate; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

D. The title number assigned to the vehicle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

E. A description of the vehicle, including its make, model, model year designation, identification number, type of body, whether new, used, rebuilt, repaired or salvage, current mileage and, if a new vehicle, the date of the first sale of the vehicle for use. If the vehicle is a motor home, the chassis identification number must be used and the manufacturer's identification number, make, name and model year must be designated by the Secretary of State on the certificate; [2001, c. 18, §2 (AMD) .]

E-1. Beginning January 1, 2002, the manufacturer's suggested retail price pursuant to Title 36, section 1482, subsection 4, paragraph A minus the destination charge must be included on the certificate of title. For a used vehicle sold in this State after January 1, 2002 or sold in another state or country, the manufacturer's suggested retail price must be included on the certificate of title if it is included on the original certificate of title; or [2001, c. 18, §3 (NEW) .]

F. Any other data the Secretary of State prescribes to administer this section. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

[ 2001, c. 18, §§2, 3 (AMD) .]

**2. Distinctive certificate of title.** Unless a bond is filed as provided in section 659, a distinctive certificate of title must be issued for a vehicle that was last registered in another jurisdiction that does not require that lienholders be named on a certificate of title.

The certificate of title must contain the statement: "This vehicle may be subject to an undisclosed lien."

If no notice of a security interest in the vehicle is received within 4 months from the issuance of the distinctive certificate of title, the Secretary of State shall, on application and surrender of the distinctive certificate of title, issue a certificate of title in ordinary form.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Forms.** The certificate of title or certificate of salvage must contain forms for assignment and warranty of title by the owner or a dealer and may contain forms for an application for a certificate of title by a transferee, the naming of a lienholder or the assignment or release of the security interest.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Prima facie evidence.** A certificate of title or certificate of salvage is prima facie evidence of the information appearing on it.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Levies.** A certificate of title or certificate of salvage is not subject to garnishment, attachment, execution or other judicial process. This does not prevent a lawful levy upon the vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §A12 (AMD). 1997, c. 776, §24 (AMD). 2001, c. 18, §§2,3 (AMD).

## §659. WITHHOLDING OF CERTIFICATE OF TITLE OR CERTIFICATE OF SALVAGE; BOND REQUIRED

**1. Action by Secretary of State.** If the Secretary of State is not satisfied as to ownership of the vehicle or the absence of security interests, the Secretary of State may register the vehicle but must either:

A. Withhold a certificate of title or certificate of salvage until the applicant presents documents to satisfy the Secretary of State as to ownership and the absence of undisclosed security interests; or [ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. Require the applicant to file a bond executed by the applicant that is:

(1) Executed by a person authorized to conduct a surety business in this State;

(2) In an amount equal to 1 1/2 times the value of the vehicle as determined by the Secretary of State; and

(3) Conditioned to indemnify a prior or subsequent owner or lienholder against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate or on account of any defect in or undisclosed security interest in the interest of the applicant to the vehicle. [ 2005, c. 573, §4 (AMD) .]

[ 2005, c. 573, §4 (AMD) .]

**2. Recovery of bond for breach.** An interested person may recover on a bond required under this section for a breach of its conditions, but the aggregate liability of the surety to all persons may not exceed the amount of the bond.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Return of bond or deposit.** Unless the Secretary of State has been notified of the pendency of an action to recover against the bond, a bond or deposit required under this section must be returned at the end of 3 years or earlier, if the vehicle is no longer registered in this State and the current certificate of title or salvage is surrendered to the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Violation.** Violation of this section is a traffic infraction for which a fine of not less than \$100 and not more than \$500 may be adjudged.

[ 2005, c. 433, §10 (NEW); 2005, c. 433, §28 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2005, c. 433, §10 (AMD). 2005, c. 433, §28 (AFF). 2005, c. 573, §4 (AMD).

### §660. REFUSAL OF CERTIFICATE OF TITLE OR SALVAGE

The Secretary of State shall refuse to issue a certificate of title or salvage or may withdraw a certificate of title or salvage if the required fee is not paid or if the Secretary of State has reason to believe that:

[1995, c. 482, Pt. A, §13 (AMD).]

**1. Applicant not owner.** The applicant is not the owner of the vehicle;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. False statement.** The application contains a false or fraudulent statement; or

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Insufficient information.** The application fails to furnish required information or documents or additional information the Secretary of State reasonably requires.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §A13 (AMD).

### §661. DUPLICATE CERTIFICATE OF TITLE, CERTIFICATE OF SALVAGE OR CERTIFICATE OF LIEN

**1. Application.** If a certificate of title or certificate of salvage is lost, stolen, mutilated or destroyed or becomes illegible, the owner or legal representative of the owner named in the certificate, as shown by the records of the Secretary of State, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the Secretary of State. A duplicate certificate of title or certificate of salvage must contain the legend, "This is a duplicate certificate and may be subject to the rights of a person under the original certificate." It must be mailed to the owner named on the certificate unless that owner gives written authorization to mail the certificate to another person. If a certificate of lien has been lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder shown on the certificate may apply for and obtain a duplicate upon furnishing information satisfactory to the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Time.** The Secretary of State is not required to issue a duplicate until 15 days after the previous title was issued.

[ 2009, c. 435, §11 (AMD) .]

**3. Surrender of original.** A person recovering an original certificate for which a duplicate has been issued shall promptly surrender the original to the Secretary of State. Violation of this subsection is a Class E crime.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2001, c. 361, §22 (AMD). 2001, c. 361, §38 (AFF). 2009, c. 435, §11 (AMD).

## §662. TRANSFER OF INTEREST IN VEHICLE

**1. Transfer of interest by owner.** If an owner transfers an interest in a vehicle, other than by the creation of a security interest, the owner shall execute, at the time of delivery of the vehicle, an assignment and warranty of title to the transferee in the space provided on the certificate or as the Secretary of State prescribes. The warranty must include the odometer information required by section 752.

The owner shall deliver the certificate and assignment to the transferee or to the Secretary of State.

Except as provided in section 664-A, an owner must provide the transferee with a properly released certificate of lien if one was issued to a lienholder.

A transferee other than a dealer licensed under chapter 9 shall obtain a title in the transferee's name before transferring the vehicle to another person.

The Secretary of State may accept an application in lieu of a title when the application is accompanied by a prior title.

[ 1997, c. 437, §17 (AMD) .]

**2. Delivery of certificate by lienholder.** Unless the transfer was a breach of the security agreement, upon request of the owner or transferee, a lienholder in possession of the certificate of title, certificate of salvage or certificate of lien shall deliver a certificate to the transferee or, upon receipt of the assignment, the application for a new certificate and the fee, the lienholder shall deliver them to the Secretary of State. The delivery of the certificate does not affect the rights of a lienholder.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Retention.** If a security interest is reserved or created at the time of the transfer, the certificate must be retained by or delivered to the lienholder. The parties shall comply with sections 701 and 752.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Transfer effective.** Except as provided in section 664-A and between the parties, a transfer by an owner is not effective until the provisions of this section and section 665 have been fulfilled and the required fees have been paid. An owner who has delivered possession of the vehicle and has complied with this section and section 665 is not liable thereafter as owner for damages resulting from operation of the vehicle.

[ 1997, c. 437, §18 (AMD) .]

**5. Transfer to dealer.** When a dealer licensed under chapter 9 acquires a vehicle, the dealer must possess a transfer form in accordance with section 752 for the transfer of that vehicle to the dealer and that transfer form must state the odometer reading, the names of the transferors and the name of the dealer as transferee. A dealer who violates this subsection commits a traffic infraction. A minimum fine of \$200 must be adjudged for each infraction. This forfeiture may not be suspended.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §B10 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1997, c. 437, §§17,18 (AMD).

### §663. TRANSFER ON DEATH OF SPOUSE

On the death of a married resident owner of a motor vehicle registered in this State, ownership of the motor vehicle passes to the surviving spouse if no will provides otherwise and permission is granted by a lienholder. Registration and title of the vehicle must be transferred to the surviving spouse at no fee and is exempt from the purchase and use tax. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

### §664. RESALE BY DEALER

*(REPEALED)*

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §A9 (AMD). 1995, c. 645, §A18 (AFF). 1997, c. 437, §19 (RP).

### §664-A. RESALE BY DEALER

**1. Vehicle sold by dealer.** A vehicle that is sold by a dealer must be accompanied by a properly assigned and valid certificate of title or certificate of salvage at the time of its sale. A dealer may retain and process certificates of title and certificates of salvage at the dealer's primary facility if in the case when the dealer displays a vehicle at an annex facility the dealer maintains a copy of the certificate of title or certificate of salvage at the annex facility.

[ 2009, c. 598, §29 (AMD) .]

**2. Vehicle held by dealer.** If a dealer holds a vehicle for resale and obtains the certificate of title or certificate of salvage, the dealer is not required to deliver the certificate to the Secretary of State.

[ 1997, c. 437, §20 (NEW) .]

**3. Transfer.** When transferring possession of a vehicle held for resale to a retail purchaser, a dealer shall comply with section 654.

[ 1997, c. 437, §20 (NEW) .]

**4. Unreleased security interest.** If a certificate of title shows an unreleased security interest, a dealer may not transfer possession of the vehicle unless the dealer possesses a properly released certificate of lien or the Secretary of State has issued a replacement certificate omitting the security interest under section 705.

[ 2001, c. 671, §14 (AMD) .]

**5. Sold at auction.** Except for a vehicle sold to a dealer at a vehicle auction licensed under section 852, a vehicle that is sold at an auction must be accompanied by a valid certificate of title or salvage at the time of its sale. The seller of a vehicle sold to a dealer at a vehicle auction licensed under section 852 must provide the purchasing dealer with a valid certificate of title or certificate of salvage within 30 days.

[ 2011, c. 556, §6 (AMD) .]

**6. Documentation.** A vehicle that is exempt under section 652 or a vehicle from a jurisdiction that does not issue certificates of title must be accompanied by information and documents to establish the ownership of the vehicle and the existence or nonexistence of a security interest in it.

[ 1997, c. 437, §20 (NEW) .]

**7. Penalty.** Violation of this section is a Class E crime.

[ 1997, c. 437, §20 (NEW) .]

#### SECTION HISTORY

1997, c. 437, §20 (NEW). 2001, c. 671, §14 (AMD). 2009, c. 598, §29 (AMD). 2011, c. 556, §6 (AMD).

## §665. INVOLUNTARY TRANSFERS OF INTEREST IN MOTOR VEHICLE

**1. Other than voluntary transfer.** If the interest of an owner in a vehicle passes to another, other than by voluntary transfer, the owner shall immediately surrender the certificate of title or certificate of salvage to the transferee or the Secretary of State. Except as otherwise provided in this section, the transferee shall promptly deliver to the Secretary of State the last certificate, if available, proof of the transfer and an application for a new certificate.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Interest terminated by lienholder.** If the interest of the owner is terminated or the vehicle is sold under a security agreement by a lienholder named in the certificate of title or salvage, the following provisions apply.

A. If the owner has the certificate of title or certificate of salvage, the owner shall immediately surrender the certificate to the lienholder or the Secretary of State. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The transferee shall promptly deliver to the Secretary of State the last certificate of title or certificate of salvage, an application for a new certificate and an affidavit made on behalf of the lienholder that the vehicle was repossessed and the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. If the last certificate of title or certificate of salvage is not available, the lienholder may execute an assignment in the space provided on the certificate of lien. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. The lienholder may apply for a certificate of title or certificate of salvage in the lienholder's name and execute an assignment in the space provided on the certificate of title or certificate of salvage. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. If the lienholder holds the vehicle for resale, the lienholder need not apply for a new certificate. Upon transfer to another person, the lienholder shall promptly mail or deliver to the transferee or to the Secretary of State the certificate showing the lien to be released and the affidavit and other documents required to be sent to the Secretary of State by the transferee. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Interest transferred.** A person who holds a certificate of title or certificate of salvage and whose interest has been extinguished or transferred other than by voluntary transfer shall deliver the certificate to the Secretary of State on request.

The delivery of the certificate does not affect the rights of a person surrendering it.

The issuance of a new certificate is not conclusive of the rights of an owner or lienholder named in the old certificate.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Forfeiture of interest.** If the interest of an owner is forfeited to the State under Title 15, chapter 517, the following provisions apply.

A. The owner shall promptly deliver to the Secretary of State the certificate of title. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. If the owner is unknown, the State may proceed to perfect title. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. If the forfeited vehicle is resold, the Secretary of State shall issue a new certificate of title to the purchaser. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. If the forfeiting owner fails to comply with this subsection, the Secretary of State shall revoke the owner's certificate of title and issue a new certificate of title to the purchaser. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Divorce.** When a divorce decree awards a vehicle to an individual, the following provisions apply.

A. Ownership of the vehicle passes to that individual and the ownership of the vehicle by any other person named on a certificate of title, certificate of salvage, certificate of lien or certificate of registration for the vehicle is extinguished. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The person whose ownership is extinguished shall surrender the certificate of title or salvage to the individual awarded the vehicle by the divorce decree. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. If there is a lien on the vehicle, the lienholder shall surrender a certificate of title or salvage or certificate of lien for the vehicle to the Secretary of State. The delivery of the certificate to the Secretary of State does not affect the rights of the lienholder. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. The individual awarded the vehicle shall apply for a certificate of title or certificate of salvage and, if there was an unsatisfied lien at the time of the divorce decree, shall state the lien on the application. Upon receipt of the application, the required fee, the certificate of title or salvage and proof of the award



of the vehicle in a divorce, the Secretary of State shall issue a title in the name of the individual awarded the vehicle and, if there is a lien on the vehicle, shall issue a certificate of lien, certificate of title or certificate of salvage to the lienholder. [1995, c. 645, Pt. A, §10 (AMD).]

[ 1995, c. 645, Pt. A, §10 (AMD) .]

**6. Repossession.** Upon the exercise of the right to take possession of a vehicle by a lienholder that is a creditor as defined in Title 9-A, section 1-301, subsection 17, or the assignee of that creditor, ownership of the vehicle vests in the lienholder, subject to the rights granted to the owner and the duties imposed on the lienholder under Title 9-A, Article 5, Part 1, Title 11, Article 9-A, Part 6 and Title 32, section 11017.

[ 2009, c. 45, §1 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §A10 (AMD). 2003, c. 133, §1 (AMD). 2009, c. 45, §1 (AMD).

## §666. RECORDS OF SURRENDERED CERTIFICATES OF TITLE

The Secretary of State shall maintain a file for 5 years of every surrendered certificate for tracing title of vehicles. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §667. SALVAGE

**1. Certificate of salvage.** When, by reason of its condition or circumstance, a vehicle for which a certificate of title has been issued by this State is declared a salvage vehicle:

A. By an insurer, the insurer or its designee shall surrender the certificate of title to the Secretary of State and apply for a certificate of salvage, in accordance with section 654, within 30 days of the settlement of the insurance claim; [2003, c. 652, Pt. A, §5 (AMD); 2003, c. 652, Pt. A, §7 (AFF).]

B. By the owner of the vehicle, the owner shall surrender the certificate of title to the Secretary of State and apply for a certificate of salvage in accordance with section 654 prior to the transfer of the vehicle, unless the owner transfers the vehicle to a recycler licensed under this chapter; or [1997, c. 776, §25 (AMD).]

C. By a towing company, if the towing company makes clear that the vehicle is a total loss, while claiming the vehicle pursuant to chapter 15, subchapter III. Any certificate of ownership issued to a towing company under section 1856, which the towing company has declared a total loss, must bear the legend "salvage vehicle." [1997, c. 776, §25 (NEW).]

[ 2003, c. 652, Pt. A, §5 (AMD); 2003, c. 652, Pt. A, §7 (AFF) .]

**2. Assignment of ownership.** At the time the salvage vehicle is transferred, the insurer, the insurer's designee or the owner shall endorse the assignment of ownership on the certificate of salvage and surrender it to the transferee of the salvage vehicle. If a vehicle owner retains a salvage vehicle as part of a settlement with an insurer, the insurer shall comply with this section and endorse the assignment of ownership on the certificate of salvage and surrender it to the vehicle owner.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Surrender and cancellation of certificate.** Surrender and cancellation of a certificate of title or certificate of salvage must be as follows.

A. An owner who scraps or dismantles a vehicle shall immediately surrender the certificate of title or certificate of salvage to the Secretary of State for cancellation. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A person who acquires a vehicle to be scrapped or dismantled shall immediately surrender the certificate to the Secretary of State. If an owner transfers a vehicle for which a certificate of salvage has not been issued to a salvage dealer or recycler licensed under this chapter, the vehicle is deemed declared by the owner to be a salvage vehicle, and the salvage dealer or recycler shall immediately apply for a certificate of salvage for the vehicle in accordance with section 654, unless the vehicle's certificate of title is surrendered in compliance with this subsection. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A person who repairs or rebuilds for operation on public ways a salvage vehicle shall comply with subsection 4 and shall:

- (1) If the vehicle was not insured, obtain the certificate of title from the owner; or
- (2) If the vehicle was insured, obtain a certificate of salvage or a certificate of title from the insurer and apply for a certificate of salvage. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Repaired or rebuilt vehicle.** If a salvage vehicle is repaired or rebuilt for operation on a public way, the vehicle may only be titled or registered for operation or offered for sale in this State if:

A. The identification number of the vehicle and its component parts are inspected and verified; and [2001, c. 361, §23 (AMD); 2001, c. 361, §38 (AFF).]

B. [2001, c. 361, §38 (AFF); 2001, c. 361, §24 (RP).]

C. If necessary, a new vehicle identification number is assigned. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

Upon demand of the Secretary of State or a transferee, a repairer or rebuilder shall produce receipts of purchase of the vehicle or for component parts used in the repairing or rebuilding process, or both. If new parts are not used to rebuild a salvage vehicle, the rebuilder shall produce the vehicle identification number of the vehicles from which the parts were taken and the certificates of title or the certificates of salvage for the vehicles if not already surrendered. The repairer or rebuilder shall disclose, in writing, to the transferee of a repaired or rebuilt salvage vehicle the fact that the vehicle was a salvage vehicle and shall disclose what repairs were made to the vehicle.

The Secretary of State may refuse to title any vehicle declared to be salvage in another jurisdiction.

[ 2009, c. 598, §30 (AMD) .]

**5. Distinctive.** The following legends apply to certificates of title issued subsequent to issuance of certificates of salvage for vehicles.

A. [1995, c. 645, Pt. A, §18 (AFF); 1995, c. 645, Pt. A, §11 (RP).]

B. The legend "rebuilt salvage" must appear on a certificate of title for a rebuilt salvage vehicle if:

- (1) Two or more vehicles with different frames are joined;
- (2) A salvage vehicle has 5 or more component parts replaced;
- (3) A certificate of title with the legend "rebuilt salvage" issued by the Secretary of State or by any other jurisdiction accompanies an application to the State for a subsequent certificate of title; or

(4) A total vehicle loss has been repaired by the use of a front or rear clip. [1995, c. 645, Pt. A, §12 (AMD).]

C. The legend "rebuilt" must appear on a certificate of title for a rebuilt salvage vehicle if:

(1) A salvage vehicle has at least one, but less than 5, component parts replaced. Notwithstanding section 602, subsection 2, for the purposes of this subsection, airbags are not considered a component part; or

(2) A certificate of title with the legend "rebuilt" issued by the Secretary of State or by any other jurisdiction accompanies an application to the State for a subsequent certificate of title. [2001, c. 361, §25 (AMD); 2001, c. 361, §38 (AFF).]

D. If a salvage vehicle for which a certificate of title has been issued by this State with any of the legends described in this section is subsequently titled in another jurisdiction and later retitled in this State, any subsequent certificate of title from this State must also contain the legends appearing on the previous certificate of title from this State. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. The legend "salvage" must appear on a certificate of title if:

(1) A vehicle has no marketable value other than the value of the basic material or parts used in the construction of the vehicle;

(2) A vehicle is sold with a stipulation that it is only to be used for the benefit of its parts; and

(3) A certificate of title previously issued by the Secretary of State or by any other jurisdiction bearing the legend "salvage" accompanies an application to the State of a subsequent certificate of title. [1997, c. 437, §21 (NEW).]

F. The legend "repaired" must appear on a certificate of title for a repaired salvage vehicle if the vehicle is repaired as defined in section 602, subsection 12. [1997, c. 776, §26 (NEW).]

The Secretary of State may apply a legend from a certificate of title issued by another jurisdiction to a subsequent title issued by this State.

[2009, c. 598, §31 (AMD).]

**6. Violation.** A person who violates this section commits a Class D crime.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**7. Exemption.** Certificates of title issued for manufactured housing are exempt from this section.

[2005, c. 678, §9 (NEW); 2005, c. 678, §13 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §A14 (AMD). 1995, c. 645, §§A11,12 (AMD). 1995, c. 645, §A18 (AFF). 1997, c. 437, §21 (AMD). 1997, c. 776, §§25,26 (AMD). 2001, c. 361, §§23-25 (AMD). 2001, c. 361, §38 (AFF). 2003, c. 652, §A5 (AMD). 2003, c. 652, §A7 (AFF). 2005, c. 678, §9 (AMD). 2005, c. 678, §13 (AFF). 2009, c. 598, §§30, 31 (AMD).

## §668. SUSPENSION OR REVOCATION OF CERTIFICATE OF TITLE OR CERTIFICATE OF SALVAGE

**1. Findings.** The Secretary of State may suspend or revoke a certificate of title, certificate of salvage, certificate of lien or certificate of registration on notice and reasonable opportunity to be heard, if the Secretary of State finds:

A. A certificate of title or certificate of salvage was fraudulently procured or erroneously issued; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A vehicle has been scrapped or dismantled; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A person failed to deliver a certificate of title or certificate of salvage or an application for certificate of title or certificate of salvage or fails to furnish information the Secretary of State requests within 10 days after the time required; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. A person failed to mail or deliver a certificate of title or certificate of salvage to the Secretary of State following the creation of a security interest by court order or other governmental action or following an involuntary transfer. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1995, c. 482, Pt. A, §15 (AMD) .]

**2. Validity.** Suspension or revocation of a certificate does not affect the validity of a security interest noted on it.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Certificate delivered.** When the Secretary of State suspends or revokes a certificate of title, certificate of salvage, certificate of lien or certificate of registration, the owner or person in possession of that document, immediately upon receiving notice of the suspension or revocation, shall deliver the document and registration plates to the Secretary of State. If the owner or person in possession of that document fails to deliver the document and registration plates to the Secretary of State, the Secretary of State may suspend the person's privilege to title or register a vehicle.

[ 2001, c. 563, §2 (AMD) .]

**4. Seizure.** The Secretary of State may seize the certificate, registration document or registration plate that has been suspended or revoked.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Hearing, judicial review.** A person aggrieved by an act or omission to act of the Secretary of State under this chapter is entitled, upon request, to a hearing before the Secretary of State or the secretary's deputies in accordance with sections 2483 and 2484. After a hearing, a person aggrieved by the final action taken by the Secretary of State is entitled to judicial review of that action, as provided in section 2485, subsection 5.

[ 1995, c. 65, Pt. A, §96 (NEW); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A96 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 482, §A15 (AMD). 2001, c. 563, §2 (AMD).

## §669. CANCELLATION OF CERTIFICATE OF TITLE TO MANUFACTURED HOUSING

**1. Real property transactions.** This section governs cancellation of a certificate of title to manufactured housing by the owner of the manufactured housing when the manufactured housing becomes affixed to real property owned by the owner of the manufactured housing.

[ 2005, c. 678, §10 (NEW); 2005, c. 678, §13 (AFF) .]

**2. Cancellation.** A certificate of title to manufactured housing may be cancelled by the Secretary of State if the owner of the real property records the following documents in the registry of deeds for the county in which the real property is located:

A. The original certificate of title to the manufactured housing; [2005, c. 678, §10 (NEW); 2005, c. 678, §13 (AFF) .]

B. A description of the manufactured housing, including model year, make, width, length and identification number, and a statement by any recorded lienholder on the certificate of title that the security interest has been released or that such security interest will be released upon cancellation of the certificate of title as set forth in this section; [2005, c. 678, §10 (NEW); 2005, c. 678, §13 (AFF) .]

C. The legal description of the real property; and [2005, c. 678, §10 (NEW); 2005, c. 678, §13 (AFF) .]

D. A sworn statement by the owner of the real property, as shown on the real property deed, that the owner of the real property is the owner of the manufactured housing and that the manufactured housing is permanently affixed to the real property in accordance with state law. [2005, c. 678, §10 (NEW); 2005, c. 678, §13 (AFF) .]

[ 2005, c. 678, §10 (NEW); 2005, c. 678, §13 (AFF) .]

**3. Recording.** The register of deeds, upon receipt of the documents set forth in subsection 2, shall record the documents.

[ 2005, c. 678, §10 (NEW); 2005, c. 678, §13 (AFF) .]

**4. Request for cancellation.** An owner of manufactured housing shall file a written request with the Secretary of State for cancellation of the certificate of title to the manufactured housing after completion of the requirements in subsections 2 and 3 and by returning the recorded certificate of title. The Secretary of State shall cancel the certificate of title upon receipt of the written request from the owner of the manufactured housing requesting cancellation of the certificate of title, accompanied by the certificate of title and documents listed in subsection 2 that have been recorded pursuant to subsection 3. Upon cancellation of the certificate of title, the Secretary of State shall issue a document certifying that the certificate of title has been cancelled.

[ 2005, c. 678, §10 (NEW); 2005, c. 678, §13 (AFF) .]

**5. Liens.** For purposes of perfection, realization and foreclosure of security interests, if a certificate of title has been cancelled pursuant to this section, a separate security interest in the manufactured housing does not exist, and the manufactured housing may be secured only as part of the real property through a mortgage under Title 33.

[ 2005, c. 678, §10 (NEW); 2005, c. 678, §13 (AFF) .]

**6. Applicability.** This section applies to manufactured housing required to be titled under section 651 and to any person who voluntarily elects to cancel a certificate of title to manufactured housing pursuant to this section.

[ 2005, c. 678, §10 (NEW); 2005, c. 678, §13 (AFF) .]

**7. Taxation not affected.** Nothing in this section may be construed to affect the taxation of manufactured housing.

[ 2005, c. 678, §10 (NEW); 2005, c. 678, §13 (AFF) .]

**8. No change to common law.** Nothing in this section may be construed to modify or change existing common law.

[ 2005, c. 678, §10 (NEW); 2005, c. 678, §13 (AFF) .]

#### SECTION HISTORY

2005, c. 678, §10 (NEW). 2005, c. 678, §13 (AFF).

## §670. MAINE LEMON LAW VEHICLE

This section applies to any motor vehicle subject to the disclosure requirements of Title 10, section 1163, subsection 7. A manufacturer to whom the motor vehicle was returned pursuant to Title 10, section 1163, subsection 2 shall return the title of the motor vehicle to the Secretary of State with an application for a new title in the name of the manufacturer. The Secretary of State shall issue a certificate of title that includes the following brand: "Lemon Law Buyback." All subsequent certificates of title to that vehicle must contain the same brand. [2007, c. 383, §18 (NEW).]

#### SECTION HISTORY

2007, c. 383, §18 (NEW).

## Subchapter 3: SECURITY INTEREST

## §701. CREATION OF SECURITY INTERESTS

**1. Application.** If an owner creates a security interest in a vehicle, the owner shall:

A. Complete an application that provides the name and address of the lienholder and the date of the lien; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Immediately deliver the certificate of title, application and fee to the lienholder. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Delivery by lienholder.** The lienholder shall deliver the certificate, application and fee to the Secretary of State within 30 days of receipt.

[ 2009, c. 598, §32 (AMD) .]

**3. Additional.** Upon request of the owner or subordinate lienholder, and receipt of an owner's application and fee, a lienholder in possession of the certificate of title shall deliver the certificate to the Secretary of State. The Secretary of State shall record the subordinate lien and reissue the title to the first lienholder. The delivery of the certificate does not affect the rights of the first lienholder under that lienholder's security agreement.

[ 2009, c. 435, §12 (AMD) .]

**4. New certificate.** Upon receipt of the certificate, the application and fee, the Secretary of State shall issue a new certificate containing the name and address of the new lienholders. The Secretary of State shall mail a certificate of title or certificate of salvage to the first lienholder.

[ 2007, c. 383, §19 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §A13 (AMD). 2007, c. 383, §19 (AMD). 2009, c. 435, §12 (AMD). 2009, c. 598, §32 (AMD).

## §702. PERFECTING SECURITY INTEREST

**1. Valid against creditors, transferees and lienholders.** A security interest in a vehicle for which a certificate of title is issued is not valid against creditors of the owner or subsequent transferees or lienholders unless perfected as provided in this subchapter.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Method.** A security interest is perfected by the delivery to the Secretary of State of:

A. The certificate of origin or existing certificate of title or certificate of salvage; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. An application for a certificate of title containing the name and address of the lienholder and the date of the security agreement; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The required fee. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Date.** A security interest is perfected as of the date of delivery under subsection 2.

[ 1999, c. 699, Pt. B, §28 (AFF); 1999, c. 699, Pt. B, §26 (RPR) .]

**4. Vehicle brought into State.** If a vehicle is subject to a security interest when brought into this State, the perfection, effect of perfection and priority of the security interest is determined in accordance with Title 11, Article 9-A, Part 3.

[ 1999, c. 699, Pt. B, §28 (AFF); 1999, c. 699, Pt. B, §26 (RPR) .]

**5. Vehicles located outside State and registered in State.** If a vehicle is located outside this State and is not the subject of a valid certificate of title issued by another jurisdiction, upon registration of the vehicle in this State, the provisions of this chapter on perfection of a security interest apply. Notwithstanding Title 11, Article 9-A, Part 3, perfection under this subchapter remains valid until the certificate issued by this State is surrendered for retitling in another jurisdiction.

A. [1999, c. 699, Pt. B, §28 (AFF); 1999, c. 699, Pt. B, §27 (RP).]

B. [1999, c. 699, Pt. B, §28 (AFF); 1999, c. 699, Pt. B, §27 (RP).]

[ 1999, c. 699, Pt. B, §28 (AFF); 1999, c. 699, Pt. B, §27 (RPR) .]

#### SECTION HISTORY

RR 1993, c. 2, §18 (COR). 1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 699, §B26,27 (AMD). 1999, c. 699, §B28 (AFF).

### §703. EXEMPTIONS

This subchapter does not affect: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Liens for services or materials.** A lien given by statute or rule of law to a supplier of services or materials for the vehicle;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Government lien.** A lien given by statute to the United States, this State or a political subdivision of this State;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Salvage lien.** A lien given for a salvage vehicle, except when the vehicle is repaired or rebuilt for operation on a public way; or

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Manufacturer's lien.** A security interest created by a manufacturer or dealer who holds the vehicle for sale. A buyer in the ordinary course of trade from the manufacturer or dealer takes free of this security interest.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

### §704. ASSIGNMENT OF SECURITY INTEREST

**1. Assignment.** A lienholder may assign a security interest to a person other than the owner without affecting the interest of the owner or the validity of the security interest. Except as provided in subsection 5, a lienholder who assigns a security interest to a person other than the owner must provide notice of the assignment to the Secretary of State within 30 days of the assignment. The notice must include the name, address and telephone number of the assignee, the name of the owner and the certificate of salvage, certificate of lien or certificate of title number. Failure to provide notice to the Secretary of State as required by this subsection is a civil violation for which the Secretary of State may assess a civil penalty of not more than \$500 per violation.

[ 2005, c. 234, §1 (AMD) .]



**2. Obligations continue.** A person without notice of an assignment is protected in dealing with the lienholder as the holder of the security interest.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**3. Liability.** The lienholder remains liable for an obligation as lienholder until the assignee is named as lienholder on the certificate of title or certificate of salvage.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**4. Endorsement.** Except as provided in subsection 5, the assignee must, in order to perfect the assignment, have a certificate of title, certificate of salvage or certificate of lien issued with the assignee named as lienholder, by delivering to the Secretary of State within 30 days of the assignment the certificate and an assignment by the lienholder named in the certificate in the form the Secretary of State prescribes, together with an application and the required fee.

[ 2005, c. 234, §2 (AMD) . ]

**5. Exceptions.** The notice requirement described in subsection 1 and the filing requirement described in subsection 4 do not apply to an assignment of a security interest by a lienholder if the lienholder retains the obligation to perform servicing functions in connection with the security interest. As used in this subsection, "servicing functions" includes, without limitation, the obligations to release the lien or the obligation to obtain the release of lien upon satisfaction of the security interest as provided in section 705, to furnish information as provided in section 706, to respond to a request for information concerning the security interest from the Secretary of State and to retain possession of the certificate of title or certificate of salvage.

[ 2005, c. 234, §3 (NEW) . ]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2001, c. 671, §15 (AMD). 2005, c. 234, §§1-3 (AMD).

## §705. RELEASE OF SECURITY INTEREST

**1. Release on satisfaction.** Upon satisfaction of the security interest of the lienholder, the lienholder shall, within 14 days of receipt of funds intended to satisfy the security interest of the lienholder, execute a release of the security interest in the space provided on the certificate. The lienholder shall:

A. Release the certificate of title, certificate of salvage or certificate of lien to the subordinate lienholder if one is named; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

B. If the lien was satisfied in conjunction with the sale of the vehicle and there is no subordinate lienholder, release and deliver the certificate of title, certificate of salvage or certificate of lien to the owner or to a person who delivers to the lienholder an authorization from the owner to receive the certificate; or [2003, c. 240, §2 (AMD) . ]

C. Deliver the certificate to the owner and notify the Secretary of State that the lien has been satisfied. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

[ 2003, c. 240, §2 (AMD) . ]

**2. Prior lienholder.** If the certificate of title, certificate of salvage or certificate of lien is in the possession of a prior lienholder, the satisfied lienholder shall execute a release and deliver it to the owner or to a person who delivers to the lienholder an authorization from the owner to receive the release.

Upon the satisfaction of a subordinate security interest in a vehicle for which the certificate of title, certificate of salvage or certificate of lien is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall execute, within 10 days after demand and, in any event, within 20 days, a release in the form the Secretary of State prescribes and mail or deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive that release. The subordinate lienholder whose security interest is satisfied shall mail or deliver a copy of the release to the first lienholder named in the certificate of title or certificate of salvage for the vehicle and shall notify the Secretary of State that the lien has been satisfied in a manner prescribed by the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Assumed release of lien.** Except for liens on manufactured housing, the Secretary of State, at the Secretary of State's discretion, may assume that any lien with a lien date more than 66 months old has been satisfied as provided in this subsection. The Secretary of State shall provide notice to the lienholder by both regular mail and certified mail, return receipt requested, that the lien will be assumed to be satisfied unless the lienholder objects in writing within 30 days of either receipt of the notice, as evidenced by the return receipt, or 45 days of mailing by the Secretary of State in the event the lienholder refuses delivery of the notice by certified mail. The notice must identify the vehicle by year, make, model and vehicle identification number and must include the date of the lien and the name of the owner as of the date of the lien.

[ 2005, c. 678, §11 (AMD); 2005, c. 678, §13 (AFF) .]

**4. Remedies.** The remedies set forth in this section are in addition to those set forth in section 668.

A. The owner and subordinate lienholder, if any, may recover \$1,000 in each case from a lienholder who fails to release the security interest and deliver the certificate of title, certificate of lien or certificate of salvage within 14 days of receipt of funds intended to satisfy the security interest of the lienholder under this section, unless, within the 14-day time period, the lienholder notifies the owner that satisfaction of the security interest is in dispute. [ 2003, c. 240, §3 (AMD) .]

B. If a lienholder fails to release the security interest and deliver the certificate of title, certificate of lien or certificate of salvage within 14 days after demand under this section and has not notified the owner that satisfaction of the security interest is in dispute, the Secretary of State may revoke the certificate and issue a replacement certificate omitting the security interest upon receipt of a statement by the owner that 14 days have elapsed since demand for release of the security interest was made and the owner has not been notified by the lienholder that satisfaction of the security interest is in dispute. Submission of a false statement to the Secretary of State under this subsection is a Class E crime. [ 2003, c. 240, §3 (AMD) .]

[ 2003, c. 240, §3 (AMD) .]

**5. Manufactured housing.** This subsection governs satisfaction of a security interest in manufactured housing.

A. Upon satisfaction of a security interest in manufactured housing, the lienholder whose security interest is satisfied shall execute, within 60 days, a release in the form the Secretary of State prescribes and mail or deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive that release. The lienholder shall also within 60 days of satisfaction of its security interest notify the Secretary of State in the form the Secretary of State prescribes that the lien has been satisfied. [ 2009, c. 435, §13 (NEW) .]

B. The owner and subordinate lienholder, if any, may each recover \$1,000 from a lienholder who fails to release the security interest and notify the Secretary of State that the lien has been satisfied within the 60-day time period under paragraph A. [ 2009, c. 435, §13 (NEW) .]

[ 2009, c. 435, §13 (NEW) .]

**6. Failure to satisfy security interests.** If a licensed dealer takes a vehicle in trade on the purchase of another vehicle and there is an outstanding security interest, the licensed dealer shall satisfy all outstanding security interests within 10 days.

Violation of this subsection is a Class E crime.

[ 2011, c. 356, §17 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §A16 (AMD). 1997, c. 776, §27 (AMD). 2001, c. 671, §16 (AMD). 2003, c. 240, §§2,3 (AMD). 2003, c. 295, §1 (AMD). 2005, c. 678, §11 (AMD). 2005, c. 678, §13 (AFF). 2009, c. 435, §13 (AMD). 2011, c. 356, §17 (AMD).

### §706. LIENHOLDER TO FURNISH INFORMATION

Upon request of the owner, another lienholder named on the certificate of title or certificate of salvage or a dealer to which the vehicle has been transferred, a lienholder shall disclose pertinent information as to the security agreement, the indebtedness secured by that agreement, the existence and identity of subordinate lienholders on the certificate of title or certificate of salvage or other written documentation held by the lienholder and the certificate of title or certificate of salvage numbers. [2003, c. 240, §4 (AMD).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 240, §4 (AMD).

### §707. METHOD OF PERFECTING SECURITY INTEREST EXCLUSIVE

This subchapter provides the exclusive method for perfecting and giving notice of security interests subject to this subchapter. These security interests are exempt from other provisions of law concerning the filing of instruments creating or evidencing security interests. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

### §708. MANUFACTURED HOUSING

This subchapter applies to perfection of security interests in manufactured housing that is not permanently affixed to real property that is owned by the owner of the manufactured housing. [2013, c. 125, §4 (AMD).]

#### SECTION HISTORY

2005, c. 678, §12 (NEW). 2005, c. 678, §13 (AFF). 2013, c. 125, §4 (AMD).

## Subchapter 4: ANTITHEFT PROVISIONS AND PENALTIES

### §751. ALTERING, FORGING OR COUNTERFEITING CERTIFICATES

A person is guilty of a Class D crime if that person: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Certificate.** Alters, forges or counterfeits a certificate of title, certificate of salvage or certificate of lien;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Assignment.** Alters or forges an assignment of a certificate of title or certificate of salvage or an assignment or release of a security interest on a certificate of title, certificate of salvage, certificate of lien or an official form of the Secretary of State;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Possession of forgery.** Has possession of or uses a certificate knowing that the certificate of title, certificate of salvage or certificate of lien had been altered, forged or counterfeited;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. False statement.** Uses a false or fictitious name or address, makes a material false statement, fails to disclose a security interest or conceals any other material fact in an application for a certificate of title, certificate of salvage, certificate of lien or on any documents in support of that application; or

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Sale.** Sells or exchanges, offers to sell or exchange or gives away a certificate of title, certificate of salvage, certificate of lien or vehicle identification number plate.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §752. ODOMETERS; TRANSFERS

**1. Information on transfer.** At the time of transfer of a motor vehicle, each transferor shall furnish to the transferee the information required by this subsection in accordance with the federal Truth in Mileage Act of 1986, Public Law 99-579, and the rules promulgated under 49 Code of Federal Regulations, Part 580. The information must be on the reverse of any title or manufacturer's certificate of origin that complies with the federal Truth in Mileage Act of 1986 and rules. If the reverse of the title or manufacturer's certificate of origin is filled or is not in compliance, the disclosure must be on a transfer form prescribed by the Secretary of State. The information required by this subsection must also be provided on any other forms prescribed by the Secretary of State that require odometer information. The required information is as follows:

A. The date of the transfer; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. The odometer reading at the time of transfer, not to include 1/10th of miles; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

C. The transferor's printed name and current address; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

D. The transferee's printed name and current address; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

E. The identity of the vehicle being transferred, including its make, model, year and body type and its vehicle identification number if on a form other than a title; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

F. The transferor's certification that:

- (1) To the best of the transferor's knowledge, the odometer reading reflects the actual mileage;
- (2) The odometer reading reflects the amount of mileage in excess of its mechanical limit; or
- (3) The odometer reading is not the actual mileage. If the odometer reading is not the actual mileage, the transferor shall give reasons for the discrepancy on a form prescribed by the Secretary of State. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Signatures.** The transferor shall sign the title or transfer document to certify the odometer information required by subsection 1. The transferee shall sign the title or transfer document to acknowledge the transferor's odometer disclosure only after the required information is completed and the transferor has signed. A person may not sign as both transferor and transferee in the same transaction.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Violation.** Any person, corporation, organization or other legal entity that knowingly violates this section commits a traffic infraction. A violation of this section is a violation of Title 5, chapter 10.

[ 1999, c. 771, Pt. C, §2 (AMD); 1999, c. 771, Pt. D, §§1, 2 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 771, §C2 (AMD). 1999, c. 771, §§D1,2 (AFF).

## §752-A. EXEMPTED ODOMETER INFORMATION

A vehicle's odometer reading is not required to be disclosed on transfers of the following vehicles: [2005, c. 683, Pt. A, §49 (RPR).]

- 1. Not self-propelled.** A vehicle that is not self-propelled; or

[ 2005, c. 683, Pt. A, §49 (RPR) .]

- 2. Ten years old.** A vehicle that is 10 years old or older.

[ 2005, c. 683, Pt. A, §49 (RPR) .]

Notwithstanding any other provisions of this Title, the Secretary of State may require odometer information for any vehicle, as set forth in section 752, upon showing by records or other sufficient evidence that vehicle mileage discrepancies exist. [2005, c. 683, Pt. A, §49 (RPR).]

#### SECTION HISTORY

2005, c. 433, §11 (NEW). 2005, c. 433, §28 (AFF). 2005, c. 683, §A49 (RPR).

## §753. OTHER OFFENSES

A person commits a Class E crime if that person: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

- 1. Use.** Permits another person, without authority, to use or possess a certificate of title or certificate of salvage;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Delivery to Secretary of State.**

[ 2001, c. 361, §26 (RP) .]

**3. Delivery to transferee.** Fails to deliver to a transferee a certificate of title or certificate of salvage within 10 days after the time required;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Assigned.** Fails to have a correctly assigned clear title to a vehicle as required by section 664-A;

[ 1997, c. 437, §22 (AMD) .]

**5. False report.** Knowingly makes a false report of the theft or conversion of a vehicle to a law enforcement officer or to the Secretary of State; or

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Other.** Violates a provision of this chapter that, notwithstanding section 104, is not expressly declared a traffic infraction or another class of crime.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

## SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §A17 (AMD). 1997, c. 437, §22 (AMD). 2001, c. 361, §26 (AMD).

**§754. EXAMINATION AND IMPOUNDMENT OF VEHICLE**

**1. Examination of identification numbers.** A State Police officer or a motor vehicle investigator may examine the vehicle identification numbers of a vehicle or vehicle part. Failure to allow the examination is a Class E crime.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Impoundment.** When a State Police officer or an investigator has reasonable grounds to believe that a vehicle identification number is fictitious, removed or altered, or that a violation of law involving a vehicle or vehicle part has taken place, the police officer or investigator may impound the vehicle or vehicle part and hold the vehicle or part until the violation is cleared.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Vehicle identification numbers.** A manufacturer or assembler of a vehicle shall provide that vehicle with a vehicle identification number and on request shall supply the Secretary of State and the Chief of the State Police with all available information concerning the location of vehicle identification numbers and other identifying numbers on that vehicle.

The Secretary of State may refuse to register or issue a certificate of title for a vehicle made by a manufacturer or assembler who fails to comply with this section.

The vehicle identification number for a motor vehicle must conform with the requirements of the Federal Government.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Vehicle disposal.** Impounded vehicles that are unclaimed, recovered after theft or unidentifiable become the property of the State. The Secretary of State shall dispose of those vehicles in the following manner.

A. Within 10 days after impoundment, the Secretary of State shall notify by registered or certified mail, return receipt requested, the last known owner and all lienholders of record. The notice must describe the year, make, model and vehicle identification number, if known. The notice must state that failure of the owner or lienholder to exercise the owner's or the lienholder's right to reclaim the vehicle within 30 days from receipt of notice means the vehicle is abandoned. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. After expiration of the 30-day notice period, the Secretary of State may dispose of the vehicle at public auction or report the vehicle as abandoned under Title 33, chapter 41. [1997, c. 508, Pt. A, §3 (AFF); 1997, c. 508, Pt. B, §7 (AMD).]

[ 1997, c. 508, Pt. A, §3 (AFF); 1997, c. 508, Pt. B, §7 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 508, §B7 (AMD). 1997, c. 508, §A3 (AFF).

## §755. REPORT OF THEFT; RECOVERY OF UNCLAIMED VEHICLE

**1. Enforcement officers.** A law enforcement officer who learns of the theft of a vehicle not since recovered or of the recovery of a vehicle whose theft or conversion the officer knows or has reason to believe has been reported to the Secretary of State shall report the theft or recovery of a motor vehicle to the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Owner or lienholder.** An owner or a lienholder may report the theft or conversion of a vehicle to the Secretary of State.

The Secretary of State may disregard the report of a conversion unless a warrant has been issued for the arrest of a person charged with the conversion.

A person who has reported the theft or conversion, after learning of the vehicle's recovery, shall report the recovery to the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Suspension.** The Secretary of State may suspend the certificate of registration of a vehicle reported stolen or converted.

[ 2015, c. 473, §11 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2015, c. 473, §11 (AMD).

## §756. IMPEACHMENT OF DEFENDANT

In a prosecution for a crime under this subchapter, a certified copy of a conviction under section 751 is admissible to impeach the credibility of the defendant. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).



## Chapter 9: DEALERS

### Subchapter 1: GENERAL PROVISIONS

#### §851. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Business location.** "Business location" means a permanent enclosed building in which the business involving transporter or loaner licenses may be lawfully carried on in accordance with the terms of all applicable building codes and zoning and other land use regulatory ordinances. This location must be located within the State, be easily accessible and open to the public at all reasonable times, have an office with suitable equipment for the business conducted and have an exterior sign indicating the business name.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Dealer.** "Dealer" means a person engaged in the business of buying, selling, exchanging or offering to negotiate, negotiating or advertising the sale of a vehicle or industrial equipment and who has:

A. An established place of business for those purposes in this State; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A current dealer license issued by the Secretary of State. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

"Dealer" does not include the State when selling state-owned vehicles.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Equipment dealer.** "Equipment dealer" means a dealer whose primary business is the buying or selling of new or used industrial equipment or both, or farm equipment, or both.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Established place of business.** "Established place of business" means a permanent, enclosed building:

A. Located within the State; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Easily accessible and open to the public at all reasonable times; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. With an improved display area of not less than 5,000 square feet in or immediately adjoining it; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. In which the business of a dealer, including the display and repair of motor vehicles, may be lawfully carried on in accordance with building codes and zoning or land-use ordinances; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. In which the public may contact the dealer at all reasonable times; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. In which is kept and maintained the equipment, books, records and files necessary to conduct the business; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

G. Displaying an exterior sign, permanently affixed to the land or building, that indicates the business name. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4-A. Full-time employee.** "Full-time employee" means any person who is employed and works at least 30 hours per week.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Full-time sales representative.** "Full-time sales representative" means an employee who is employed by a dealer who, under any form of contract, sells, offers for sale or attempts to negotiate a sale or exchange of an interest in a vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Immediate family.** "Immediate family" means a spouse or child residing in the same household as the dealer.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Light trailer.** "Light trailer" means a trailer or semitrailer with an unladen gross weight of 3,000 pounds or less.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Motorcycle dealer.** "Motorcycle dealer" means a dealer whose primary business is the buying or selling of new or used motorcycles, or both.

[ 2005, c. 577, §12 (AMD) .]

**9. New vehicle dealer.** "New vehicle dealer" means a dealer whose primary business is the buying and selling of new motor vehicles and who has a franchise from a distributor or manufacturer.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**10. Trailer dealer.** "Trailer dealer" means a dealer whose primary business is the buying and selling of new or used trailers or semitrailers, or both.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**11. Used car dealer.** "Used car dealer" means a dealer whose primary business is the buying and selling of used motor vehicles.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**12. Used motor vehicle.** "Used motor vehicle" means a motor vehicle that has been registered at least once or is not covered by a manufacturer's new car warranty.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**13. Vehicle auction.** "Vehicle auction" means selling a vehicle by bidding at a public or private sale.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**14. Vehicle auction business.** "Vehicle auction business" means a business that operates a vehicle auction for gain or compensation.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2005, c. 577, §12 (AMD).

## §852. FEES

**1. Initial application fee.** The fee for an initial application for a license under this subchapter is \$150. The fee is not refundable. When a licensed dealer applies for an additional type of license this application fee is not required.

[ 2001, c. 671, §17 (AMD) .]

**2. Dealer licenses.** The annual fee for a dealer license or renewal is:

A. For a motorcycle dealer, \$50; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. For a light trailer dealer, \$50; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. For any other vehicle dealer, \$150. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

A licensed recycler is exempt from an additional license fee if already licensed as a used vehicle dealer, new vehicle dealer or equipment dealer.

[ 2003, c. 434, §11 (AMD); 2003, c. 434, §37 (AFF) .]

**3. Dealer plates.** The annual fee for each dealer plate is:

A. For a motorcycle dealer, \$5; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. For a light trailer dealer, \$5; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. For any other vehicle dealer, \$20. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

The fee for an additional plate issued to a dealer other than a motorcycle dealer or a light trailer dealer within the last 4 months of the dealer's licensing period is 1/2 of the annual plate fee. The 1/2-price plate fee also applies to additional service plates and wrecker plates.

For a fee of \$5 per plate, the Secretary of State shall furnish dealer plates to motorcycle dealers and light trailer dealers to replace lost or mutilated dealer plates.

[ 1999, c. 470, §10 (AMD) .]

**4. Branch or annex location.**

[ 1997, c. 437, §23 (RP) .]

**5. Vehicle auction business license.** The annual fee for a vehicle auction business license is \$150.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 437, §23 (AMD). 1999, c. 97, §1 (AMD). 1999, c. 470, §10 (AMD). 2001, c. 671, §17 (AMD). 2003, c. 434, §11 (AMD). 2003, c. 434, §37 (AFF).

## §853. SUSPENSION AND REVOCATION

Notwithstanding Title 4, section 152, subsection 9 and Title 5, sections 10003 and 10051, the Secretary of State may suspend, revoke or deny any license, registration or renewal issued pursuant to this chapter.

[1999, c. 547, Pt. B, §47 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 547, §B47 (AMD). 1999, c. 547, §B80 (AFF).

### Subchapter 2: APPLICATION FOR DEALER LICENSE

## §901. APPLICATION

**1. Application.** A dealer shall apply for a license by filing with the Secretary of State an application in the form prescribed by the Secretary of State and by paying the necessary fee.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Contents.** An application must contain the following:

A. The applicant's name, type of business organization and place of business; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The qualifications and business history of the applicant and the same information for each partner, officer or director; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Whether the applicant has been found guilty of a criminal offense within the past 5 years or has been held liable for a judgment involving fraud, misrepresentation or conversion. For a corporation or partnership, the same information must be provided for each director, officer or partner; and [1997, c. 776, §28 (AMD).]

D. Any other information required by the Secretary of State. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1997, c. 776, §28 (AMD) .]

**3. New or used vehicle dealer.** If the applicant is a new or used vehicle dealer, information on the type of business also must be provided, including:

A. Whether the applicant intends to sell used motor vehicles and, if so, whether there is space for servicing and repairs; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A certificate by a state police officer or a representative of the Secretary of State that the applicant has an established place of business at each business location in the State; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. For a new vehicle dealer, a copy of a current service agreement with a manufacturer or distributor requiring the applicant, on demand of a customer receiving a new vehicle warranty, to perform or arrange for, within a reasonable distance of the established place of business, the service, repair and replacement work required by warranty; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Any other information the Secretary of State requires. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Surety bonds.** A dealer other than an equipment and light trailer dealer shall file with the Secretary of State and maintain a surety bond in the following amount, based on the prior year's sales:

A. For 0 to 50 sales, \$5,000; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. For 51 to 100 sales, \$10,000; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. For 101 to 150 sales, \$15,000; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. For 151 to 200 sales, \$20,000; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. For 201 sales and over, \$25,000. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

Initial licensees shall file a bond based on projected sales.

Persons beginning in the business as licensed vehicle dealers are subject to review after initial bonding depending on volume.

All licensees must be reviewed annually by the Secretary of State to determine compliance with the correct amount of the bonds.

Failure to maintain such a bond is grounds for immediate suspension of the dealer license.

Any persons with a claim against the bond required by this subsection must file the claim within 3 years from the date of sale.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 776, §28 (AMD).

## §902. ACTION ON APPLICATION FOR DEALER LICENSE

The Secretary of State shall act on an application for an initial dealer license or a renewal of such a license within 90 days of receipt of the application. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

If the Secretary of State refuses to grant or renew a license, notice must be given to the applicant that an opportunity for hearing before the Secretary of State will be provided on request to show cause why that license should be granted or renewed. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §903. GROUNDS FOR DENYING, SUSPENDING, REVOKING OR MODIFYING DEALER LICENSE

**1. Grounds.** The Secretary of State may deny, suspend, revoke or modify a dealer license for any of the following reasons:

- A. A material misstatement in the application for a license; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- B. Failure to comply with this subchapter, a rule of the Secretary of State, a provision of this Title related to sales or service of a motor vehicle, or a violation of Title 17-A or this Title; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- C. For a dealer licensed under this chapter, failure to have an established place of business; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- D. Failure to notify the Secretary of State in writing at least 30 days prior to moving the location of an established place of business; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- E. Failure to maintain a surety bond; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- F. Defrauding of a retail buyer to the buyer's or another's damage; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- G. Conviction of any fraudulent act in connection with the business of selling motor vehicles or parts or being held liable by a civil judgment involving fraud, misrepresentation or conversion; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- H. Violation of the Maine Unfair Trade Practices Act, or Title 17, section 3203; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- I. Submission of a check, draft or money order to the Secretary of State that is dishonored or refused upon presentation; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- J. Certification by the State Tax Assessor that a tax, other than property tax, deemed final under Title 36 remains unpaid in an amount exceeding \$1,000 for a period greater than 60 days after notice of the finality of the tax and that the person has refused to cooperate with the Bureau of Revenue Services in complying with a reasonable plan for meeting that liability; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 1997, c. 526, §14 (AMD).]
- K. Failure to appear at a hearing required by the Secretary of State or failure to appear in court to answer a summons; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- L. Failure to comply or to maintain compliance with section 1612. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 1997, c. 526, §14 (AMD) .]

**2. Procedures for hearing; appeals.** The procedures of chapter 23, subchapter III, article 3 apply to a suspension.

[ 1995, c. 65, Pt. A, §97 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

**3. Plate reduction.** Upon renewal of a dealer license, the number of plates allowed a motor vehicle dealer who fails to sell at least 12 vehicles within a 12-month period must be reduced to 2 dealer plates, and the motor vehicle dealer may not be issued a dealer plate under section 1002, subsection 1, paragraph B. Upon a 2nd application for renewal of a dealer license, a motor vehicle dealer must be denied renewal if the Secretary of State determines that the dealer sold fewer than 4 vehicles in the previous license year, at which time all dealer credentials issued previously must be returned to the Secretary of State.

A motor vehicle dealer who is denied a license renewal under this subsection may not reapply until the license has been expired at least one year.

A motor vehicle dealer who holds a vehicle auction business license under section 1051 is exempt from this subsection.

A motor vehicle dealer who engages primarily in the sale of vehicles more than 15 years old, emergency vehicles or industrial or farm equipment or who sells only trucks with a gross vehicle weight rating of more than 26,000 pounds is exempt from this subsection.

Sales of vehicles to dealerships under the same ownership must be excluded when determining total sales.

[ 2009, c. 435, §14 (AMD) .]

**4. Continuing business.** A person may not continue to engage in the business of buying or selling of vehicles after suspension or revocation of the dealer license. A person is guilty of a Class E crime if that person continues in business after suspension or revocation. That crime is punishable by a fine of not less than \$200, which may not be suspended.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Refusal to surrender.** A dealer who fails or refuses to surrender a license, plates, registration certificates or temporary plates on demand of the Secretary of State following the suspension, revocation or nonrenewal of a dealer license commits a Class E crime.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A97 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1997, c. 526, §14 (AMD). 2003, c. 496, §1 (AMD). 2003, c. 544, §1 (AMD). 2005, c. 433, §12 (AMD). 2005, c. 433, §28 (AFF). 2009, c. 435, §14 (AMD).

## §904. VICARIOUS LIABILITY

**1. Acts of officers, directors, trustees or partners.** There is sufficient cause for the denial, suspension or revocation of the license of a partnership or corporation if an officer, director, trustee or partner has committed an act or omitted a duty that would be cause for denying, suspending or revoking a license to the party as an individual.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Acts of sales representative.** A licensee is responsible for the acts of a sales representative acting as the licensee's agent, if the licensee approved of or had knowledge of the acts or other similar acts and, after such approval or knowledge, retained the benefit, proceeds, profits or advantages accruing from those acts or otherwise ratified those acts.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## Subchapter 3: LICENSING OF DEALERS

### §951. LICENSING OF DEALERS

**1. Definition.** A person is "engaged in the business of buying, selling, exchanging, offering to negotiate, negotiating or advertising a sale of vehicles" if that person:

- A. Buys vehicles for the purpose of resale; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- B. Sells more than 5 vehicles in any 12-month period; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- C. Advertises in any form 3 or more vehicles for sale or displays 3 or more vehicles for sale within a 30-day period on premises controlled by that person. [1997, c. 776, §29 (AMD).]

Vehicles owned and registered by that person for at least 6 months are not included for purposes of this definition.

[ 1997, c. 776, §29 (AMD) .]

**2. Dealers must be licensed.** A person may not engage in the business of buying, selling, exchanging, offering to negotiate, negotiating or advertising a sale of vehicles unless that person has been issued a license under this subchapter. A dealer licensed by any other jurisdiction who sells vehicles only to licensed dealers in this State is exempt from this subsection. Violation of this subsection is a Class E crime.

[ 2005, c. 433, §13 (AMD); 2005, c. 433, §28 (AFF) .]

#### **3. Term.**

[ 1999, c. 470, §11 (RP) .]

**4. Exemptions.** Financial institutions, as defined in Title 9-B, section 131, subsections 17 and 17-A, are exempt from the requirements of this section when selling vehicles repossessed and sold by full-time employees of the institution. Financial institutions that do not use full-time employees to repossess and sell vehicles must use dealers licensed pursuant to this chapter.

Any public or nonprofit organization that, for the purpose of making vehicles available to low-income persons, accepts donated vehicles and provides them to low-income persons at a cost that is no more than the cost of ensuring that the vehicle is in good operating condition is exempt from the requirements of this section. A public or nonprofit organization that transfers a vehicle under this subsection is subject to the provisions of Title 10, chapter 217 and shall register with the Secretary of State and maintain a certificate of training as required by the Secretary of State.

Any public or nonprofit organization whose sole or primary purpose is to provide transportation for persons 65 years of age or older that accepts donated vehicles for the purpose of providing that transportation or accepts in trade for transportation services the vehicles belonging to persons 65 years of age or older who use those transportation services is exempt from the requirements of this section. A public or nonprofit organization that transfers a vehicle under this subsection is subject to the provisions of Title 10, chapter 217 and shall register with the Secretary of State and maintain a certificate of training as required by the Secretary of State.

[ 2005, c. 71, §1 (AMD) .]



**5. Approval of location.**

[ 1997, c. 437, §24 (RP) .]

**6. Term.** Dealer licenses issued after the effective date of this subsection must be issued on a staggered basis and expire on the last day of the month, one year from issuance. All dealer licenses that are renewed for the renewal year 2000 must be done on a staggered basis and the license fees must be prorated accordingly.

[ 1999, c. 470, §12 (NEW) .]

**SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 437, §24 (AMD). 1997, c. 776, §29 (AMD). 1999, c. 470, §§11,12 (AMD). 1999, c. 631, §1 (AMD). 2005, c. 71, §1 (AMD). 2005, c. 433, §13 (AMD). 2005, c. 433, §28 (AFF).

**§952. REQUIREMENTS**

**1. Facilities.** To qualify for a dealer license, an applicant must maintain the following facilities and personnel:

A. Facilities for the display of vehicles being handled; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A repair department for repair of vehicles; [2011, c. 556, §7 (AMD).]

C. Sufficient tools and equipment for servicing of the vehicles handled; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. A suitable office in which business is conducted and records of the business are kept; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. At least one mechanic, who may be the owner, who has a thorough knowledge of the vehicles being handled; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. On all used motor vehicles offered for sale, the written vehicle history statement required to be conspicuously affixed to the vehicle pursuant to Title 10, section 1475. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2011, c. 556, §7 (AMD) .]

**2. Exemptions.** A person who held used car registration plates on January 1, 1964 is exempt from subsection 1, paragraphs B and E. This exemption expires if that person sells or discontinues that business and subsequently becomes licensed again on or after January 1, 1985.

A vehicle manufacturer who does not retail vehicles directly to the public is exempt from the requirements under subsection 1, except the requirement under paragraph D.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Penalty.** A person who fails to comply with subsection 1, paragraphs A to F or subsection 4 commits a traffic infraction.

[ 2001, c. 671, §18 (AMD) .]

**4. Display.** The dealer must display the license at the dealer's place of business.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 771, §C3 (AMD). 1999, c. 771, §§D1,2 (AFF). 2001, c. 671, §18 (AMD). 2011, c. 556, §7 (AMD).

## §953. LICENSE TO DEAL IN NEW VEHICLE

**1. License; new vehicle dealer.** A person may not have on a licensed facility at any one time more than 5 new vehicles unless the person is licensed as a new vehicle dealer.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Requirements.** A new vehicle dealer license may be issued only to:

A. A sales branch or agency of a manufacturer of vehicles; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A distributor of new vehicles who holds an unexpired appointment in writing from the manufacturer of such vehicles; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A dealer in new vehicles who holds an unexpired appointment in writing from the manufacturer of such vehicles or from an authorized distributor of such vehicles. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Copy of appointment.** An applicant for a license to deal in new vehicles shall submit with the application a certification of franchise from the manufacturer of the new vehicles to be sold.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. License.** The make of the new vehicle in which the licensee is authorized to deal must be stated on the license.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Additional charges.** A new vehicle dealer may not charge an extra charge for preparation service or optional equipment unless that charge is described and clearly posted on the motor vehicle to which it applies. For purposes of this subsection, the following terms have the following meanings.

A. "Extra charge" means a consumer charge that is not included in the manufacturer's suggested retail price. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. "Preparation service" means an adjustment, inspection, test, repair, replacement of parts, cleaning, polishing or other labor performed by the dealer without prior written authorization of the purchaser. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. "Optional equipment" means equipment, protective coating, special feature, appliance, part or accessory added to a vehicle and not included in the manufacturer's suggested retail price. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Penalty.** A person who fails to comply with this section commits a traffic infraction.

[ 1999, c. 771, Pt. C, §4 (AMD); 1999, c. 771, Pt. D, §§1, 2 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 771, §C4 (AMD). 1999, c. 771, §§D1,2 (AFF).

## §953-A. DOCUMENT FEES

A dealer selling a new or used motor vehicle shall post on the vehicle any document preparation fee that will be added to the vehicle's sale price. A violation of this section is prima facie evidence of an unfair trade practice and is a violation of Title 5, section 207. [1999, c. 211, §1 (NEW) .]

#### SECTION HISTORY

1999, c. 211, §1 (NEW).

## §954. SPECIAL DEALER LICENSES AND PLATES

**1. Equipment.** Equipment dealer plates and a license may be issued to a person engaged in the manufacturing or buying and selling of:

A. Farm tractors with engines in excess of 40 horsepower; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. Farm equipment; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

C. Construction vehicles or equipment; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

D. Industrial vehicles or equipment. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Motorcycle.** Motorcycle dealer plates and a license may be issued to a person engaged in the manufacturing or buying and selling of new or used motorcycles.

[ 2005, c. 577, §13 (AMD) .]

**3. Light trailer.** Light trailer dealer plates and a license may be issued to a person engaged in the manufacturing or buying and selling of trailers or semitrailers with an unladen gross weight of 3,000 pounds or less.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Trailer.** Heavy trailer dealer plates and a license may be issued to a person engaged in the manufacturing or buying and selling of mobile homes or of trailers or semitrailers with an unladen weight of more than 3,000 pounds. Mobile home dealers are exempt from the requirements of this section.

[ 1997, c. 776, §30 (AMD) .]

**5. Transporter.** A garage owner, body shop, finance company, bank, motor vehicle auction business, motor vehicle rental company, recycler or repossession company licensed by the Bureau of Consumer Credit Protection or any public or nonprofit organization as described in section 951, subsection 4 may be issued transporter plates and a license to transport a vehicle owned by or in the custody of that owner or business.

A. The holder may use this plate only if the vehicle is accompanied by the owner or the owner's employee. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A transporter plate may not be:

- (1) Used in lieu of registration plates;
- (2) Loaned to another;
- (3) Used for personal reasons; or
- (4) Used on a towing vehicle, except for a drive-away saddle-mount vehicle transporter combination. [2007, c. 306, §7 (AMD).]

[ 2011, c. 556, §8 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 309, §26 (AMD). 1995, c. 309, §29 (AFF). 1995, c. 645, §B13 (AMD). 1997, c. 437, §25 (AMD). 1997, c. 776, §30 (AMD). 2001, c. 671, §19 (AMD). 2005, c. 577, §13 (AMD). 2007, c. 273, Pt. B, §7 (AFF). 2007, c. 273, Pt. B, §5 (REV). 2007, c. 306, §7 (AMD). 2007, c. 695, Pt. A, §47 (AFF). 2011, c. 556, §8 (AMD).

## §955. CHANGE IN STATUS OF DEALERSHIP

**1. Termination of new vehicle dealership.** A new vehicle dealer whose franchise is terminated or changed shall immediately surrender the dealer plates and license to the Secretary of State. If business is to be continued, the Secretary of State shall issue the appropriate class of plates.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Used vehicle dealer obtaining a new vehicle franchise.** A used vehicle dealer who obtains a new vehicle franchise from a manufacturer or distributor shall immediately surrender the used vehicle plates and certificates and the Secretary of State shall issue the appropriate class of plates.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Penalty.** A person who fails to comply with this section commits a traffic infraction.

[ 1999, c. 771, Pt. C, §5 (AMD); 1999, c. 771, Pt. D, §§1, 2 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 771, §C5 (AMD). 1999, c. 771, §§D1,2 (AFF).

## §956. RECORD OF TRANSACTIONS

**1. Record of vehicles.** A dealer shall complete and maintain for a period of not less than 5 years after the date of transaction a record of the purchase or sale of a vehicle and the following:

A. A description of the vehicle, including make, model, model year, body type, vehicle identification number, color and whether the vehicle is new or used; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The name and address of the person from whom purchased; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The name of the legal owner, if different from the name from whom purchased in paragraph B; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. The name and address of the purchaser; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. The mileage of the vehicle when received and sold; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. Copies of the warranty and of the disclosure statement, pursuant to Title 10, section 1474, received and issued by the dealer with the sale; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

G. An invoice disclosing from whom the vehicle was obtained. If the vehicle was obtained from another dealer, the dealer's name must be disclosed; [1997, c. 776, §31 (AMD).]

H. On a used motor vehicle offered for sale, the written vehicle history statement required by Title 10, section 1475; and [1997, c. 776, §31 (AMD).]

I. Copies of titles, transfers and other documents used for titling purposes. [1997, c. 776, §32 (NEW).]

[ 1997, c. 776, §§31, 32 (AMD) .]

**2. Inspection.** The records, vehicles and vehicle parts in the dealer's possession must be available for inspection during the dealer's normal business hours by the Secretary of State, law enforcement officers or representatives of the office of the Attorney General.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### 3. Filing.

[ 2013, c. 496, §12 (RP) .]

**4. Federal requirements.** A dealer shall comply with the federal Truth in Mileage Act of 1986, Public Law 99-579, as amended, and the regulations promulgated under 49 Code of Federal Regulations, Part 580, as amended, in keeping of records.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Personnel.** The dealer shall maintain a current record of all sales representatives and full-time employees employed by the dealer, including but not limited to the general manager, the sales manager and the service manager. The record must include the full name, date of birth, social security number and home address of each full-time employee and the position held by each. Those records must be available for inspection by the Secretary of State, the Attorney General and law enforcement officers.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Penalty.** Violation of this section is a Class E crime.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §A18 (AMD). 1997, c. 776, §§31,32 (AMD). 2013, c. 496, §12 (AMD).

## §957. LICENSING OF LOCATIONS OTHER THAN PRIMARY FACILITIES

**1. Annex license.** The Secretary of State may issue to a dealer a license to operate an annex facility. An annex facility must be an established place of business, except that books and records may be kept at the dealer's primary location. An annex facility must meet the requirements of section 952, subsection 1. The annual fee for an annex license is \$150.

[ 1997, c. 437, §26 (NEW) .]

**2. Secondary location license.** The Secretary of State may issue to a dealer a license to operate at a secondary location. For the purposes of this subsection, "secondary location" means a display area that complies with applicable building codes and zoning and land use ordinances, is large enough to display at least 2 vehicles and contains signs posting the business's name and operating hours. The annual fee for a secondary location license is \$100.

[ 2013, c. 381, Pt. A, §3 (AMD) .]

**3. Attended sales promotion.** The Secretary of State may issue to a dealer a permit for up to 90 days to operate an attended sales promotion at one or more locations inside this State. A request for an attended sales promotion must be submitted to the Secretary of State at least 48 hours before the proposed promotion and must contain the proposed promotion dates. The promotion must comply with applicable building codes and zoning and land use ordinances. A new vehicle dealer who requests a permit under this subsection for a promotion involving new vehicles may not locate the promotion outside that dealer's area of responsibility as defined by the dealer's franchise agreement. A dealer who operates an attended sales promotion at an agricultural fair or other agricultural event or at a charitable event where a vehicle is displayed or offered as a prize for fund-raising purposes is exempt from this subsection. An equipment dealer or trailer dealer is exempt from this subsection if the sales promotion does not include motor vehicles and does not exceed 90 continuous days. The fee for an attended sales promotion is:

A. Fifty dollars if the promotion runs for 7 or fewer days; [2009, c. 435, §15 (NEW) .]

B. One hundred dollars if the promotion runs for more than 7 but no more than 60 days; and [2009, c. 435, §15 (NEW) .]

C. One hundred fifty dollars if the promotion runs for more than 60 days but no more than 90 days. [2009, c. 435, §15 (NEW) .]

[ 2009, c. 435, §15 (AMD) .]

**4. Unattended sales promotion.** The Secretary of State may issue to a dealer a permit to operate an unattended sales promotion. A request for an unattended sales promotion must be submitted to the Secretary of State at least 48 hours before the proposed promotion and contain the proposed promotion dates and, if applicable, a copy of a contract between the dealer and the promotion sponsor. The promotion and any use of a location must comply with applicable building codes and zoning and land use ordinances. A new vehicle dealer who requests a permit under this subsection for a promotion involving new vehicles may not locate the promotion outside that dealer's area of responsibility as defined by the dealer's franchise agreement. An equipment dealer or trailer dealer is exempt from this subsection if the sales promotion does not include motor vehicles and does not exceed 90 continuous days. The fee for an unattended sales promotion is:

A. Fifty dollars if the promotion runs 7 days or less; [1997, c. 437, §26 (NEW) .]

B. One hundred dollars if the promotion runs between 8 and 60 days; or [1997, c. 437, §26 (NEW) .]

C. One hundred fifty dollars if the promotion runs more than 60 days. [1997, c. 437, §26 (NEW) .]

A dealer who operates an unattended sales promotion at a charity event where a vehicle is displayed as a prize is exempt from the permit fee requirements.

[ 2009, c. 598, §33 (AMD) .]

**5. Penalty.** A person commits a Class E crime if that person conducts an activity authorized by a license or permit under this section without obtaining that license or permit.

[ 2007, c. 5, §3 (AMD) .]

#### SECTION HISTORY

1997, c. 437, §26 (NEW). 2001, c. 361, §27 (AMD). 2007, c. 5, §§1-3 (AMD). 2009, c. 435, §15 (AMD). 2009, c. 598, §33 (AMD). 2013, c. 381, Pt. A, §3 (AMD).

### Subchapter 4: DISPLAY

#### §1001. DISPLAY AND CONTENT OF LICENSE

**1. Specify place of business.** A dealer license must specify the location of each place of business occupied by the licensee in conducting business.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Specify vehicle types.** A dealer license must state the types of vehicle that the licensee may deal and the location in which each particular type of vehicle is dealt.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Display.** A license must be conspicuously displayed at each location.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

#### §1002. VEHICLE AND EQUIPMENT DEALER PLATES

**1. Limitations on use.** A person using a dealer plate may not operate a vehicle owned or controlled by a manufacturer or dealer except for:

A. Purposes directly connected with the business of buying, selling, testing, adjusting, servicing, demonstrating or exchanging the vehicle, including use of that vehicle by a full-time employee to attend schools and seminars designed to assist the employee in the testing, adjusting or servicing of vehicles; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Personal use by a manufacturer or dealer. There may be no more than one dealer plate for the personal use of the manufacturer or dealer and one dealer plate for the personal use of the immediate family of the dealer; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Use of the vehicle in a funeral or public parade when no charge is made for that use; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Use by a full-time sales representative, general manager, sales manager or service manager who is on the dealer's payroll but not in the dealer's immediate family or members of that person's household; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. Use by customers for not more than 7 days to demonstrate the vehicle; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. Use by the manufacturer or dealer when the combined weight of the vehicle and the load does not exceed 10,000 pounds unless the vehicle, by design, exceeds 10,000 pounds without a load. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2003, c. 452, Pt. Q, §11 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**1-A. Limitation on use.** A person using a dealer plate may not permit a vehicle owned or controlled by a manufacturer or dealer to be operated except for the purposes authorized under subsection 1.

[ 2003, c. 452, Pt. Q, §12 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Term.** Dealer plates expire on the last day of the month, one year from issuance. The Secretary of State may determine the number and conditions of use of dealer plates.

[ 1999, c. 470, §13 (AMD) .]

**3. Penalty.** A violation of subsection 1 or subsection 1-A is a traffic infraction for which a minimum penalty of \$200 must be adjudged for each infraction. That penalty may not be suspended.

[ 2003, c. 452, Pt. Q, §13 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**4. Service vehicle.** A dealer may attach to that dealer's service vehicles specially designed service vehicle plates. These plates may be used only in direct connection with the licensee's business. A dealer may attach a service vehicle plate only to a vehicle used for the service or repair of vehicles sold or being repaired by the dealer. A dealer may not attach a service vehicle plate to a vehicle that delivers parts to individuals or to businesses that are not owned by the licensee.

A. A dealer is not entitled to more than 3 service vehicle plates at each established place of business. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The weight limit for a service vehicle, including the combined weight of vehicle and load, may not exceed 24,000 pounds. This weight limit does not apply to service vehicles of equipment dealers. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The fee for a service vehicle plate is \$50 annually per plate. [1999, c. 470, §14 (AMD) .]

D. A vehicle to which a service vehicle plate is attached must have the name of the licensed dealership on the sides of the vehicle in letters at least 3 inches in height and clearly visible. The name of any other business may not be displayed on the sides of the vehicle to which the service vehicle plate is attached. [2005, c. 433, §14 (NEW); 2005, c. 433, §28 (AFF).]

[ 2005, c. 433, §14 (AMD); 2005, c. 433, §28 (AFF) .]

**5. Equipment dealers.** Unless otherwise prohibited, equipment dealer plates may be attached only for demonstration, emergency and service purposes to the following:

A. Motorized graders; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. Power shovels; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

C. Front-end loaders; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

D. Backhoes; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]



- E. Rubber-tired bulldozers; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- F. Large 4-wheel drive trucks and snowplows; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- G. Motor cranes; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- H. Road sweepers; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- I. Sidewalk cleaners; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- J. Log skidders; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- K. Other related heavy equipment; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- L. Farm tractors; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- M. Self-propelled combines; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- N. Harvesters; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- O. Other related farm machinery; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- P. Equipment or a motor vehicle taken in trade. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

A specially designed equipment dealer plate may be attached to a motor truck used for service in direct connection with the equipment dealer business. Any motor truck to which a specially designed equipment dealer plate has been attached may not be used for any purpose except in the service of equipment directly connected with the business of the equipment dealer. An equipment dealer business may not be provided with more than 3 specially designed equipment dealer plates.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Wreckers.** The following provisions apply to the operation of wreckers and to dealer wrecker plates.

- A. A vehicle dealer or equipment dealer may operate a wrecker with a dealer wrecker plate if the wrecker is used only in direct connection with the buying, selling, service or repair business of the dealer to which it is issued. [1995, c. 482, Pt. B, §16 (AMD).]
- B. A wrecker on which a dealer wrecker plate is attached may not be used in commercial towing. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- C. The annual fee for a dealer wrecker plate is \$50 per plate for attachment to a wrecker that does not exceed 26,000 pounds gross vehicle weight and \$200 for attachment to a wrecker that does not exceed 80,000 pounds gross vehicle weight. [2009, c. 435, §16 (AMD).]
- D. [1999, c. 470, §16 (RP).]
- E. The certificate of registration for the dealer wrecker plate must be displayed at the dealer's established place of business. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. The Secretary of State shall determine the number of dealer wrecker plates that may be issued to a dealer. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2009, c. 435, §16 (AMD) .]

**7. Demonstrating a loaded truck.** A dealer must obtain a written permit from the Secretary of State to demonstrate a loaded truck, truck tractor, trailer, semitrailer or combination of vehicles bearing dealer plates.

A permit may be issued to a nonresident dealer when reciprocity has been established.

A permit may not be issued to allow demonstration for a period longer than 7 days. A permit to demonstrate can not be issued to the same individual or company more than once to cause use for a period of more than 7 days.

A permit may not be issued to a vehicle or combination of vehicles that is being rented or leased.

The processing fee for a permit to demonstrate is \$1.

[ 2003, c. 434, §12 (AMD); 2003, c. 434, §37 (AFF) .]

**8. Vehicle weighing more than 10,000 pounds.** The following provisions apply to the use of dealer plates on vehicles weighing more than 10,000 pounds.

A. Except as provided in paragraph B, a truck tractor and trailer or semitrailer combination may be operated with dealer plates if the dealer is licensed as a new vehicle dealer or used vehicle dealer and heavy trailer dealer and if the trailer or semitrailer does not contain a load. [2003, c. 652, Pt. B, §5 (NEW); 2003, c. 652, Pt. B, §8 (AFF).]

B. A dealer must obtain a written permit from the Secretary of State to operate a vehicle or combination of vehicles carrying a load. The permit must be issued in accordance with the following provisions.

(1) The operation of the vehicle or combination of vehicles and load must be in conjunction with the sale or purchase of a motor vehicle, vehicle or equipment by the dealer.

(2) The load must consist of a motor vehicle, trailer or equipment that the dealer is licensed to sell.

(3) The load may not consist of more than one automobile, truck or truck tractor at any time.

(4) The initial fee and renewal fee for a permit issued under this paragraph are \$200 each.

(5) A permit expires one year from the date of issuance and may be renewed annually.

(6) A permit must contain the name and address of the licensed dealer, an effective date, an expiration date and any other information required by the Secretary of State. [2003, c. 652, Pt. B, §5 (NEW); 2003, c. 652, Pt. B, §8 (AFF).]

[ 2003, c. 652, Pt. B, §8 (AFF); 2003, c. 652, Pt. B, §5 (RPR) .]

**9. Mobile homes.** A mobile home may not be moved over a public way unless the operator of the vehicle hauling it has in possession a permit issued pursuant to section 2382 or a written certificate from the tax collector of the municipality in which the mobile home is situated on the day of the move, identifying the mobile home and stating that all applicable property taxes, including those for the current tax year, have been paid or that the mobile home is exempt from taxes. The tax year is the period from April 1st to March 31st. For the purposes of this subsection, taxes for the current tax year include taxes not yet committed. If the amount of these taxes can not then be determined, the amount must be presumed to be the same as the previous year's taxes until the current year's taxes are assessed. Notwithstanding Title 36, section 506, the tax collector may accept prepayment of these taxes and shall repay any amount paid in excess of that finally assessed, with interest on that amount as provided in Title 36, section 506-A. If a mobile home was moved

into the municipality after April 1st so that no tax was assessed in the previous year and will be moved from the municipality before the commitment of the current year's taxes but after April 1st, the term "previous year's taxes" means taxes estimated by using the prior year's tax rate.

[ 1999, c. 117, §1 (AMD) .]

**10. Loss of dealer plate.** Upon the loss of a dealer plate, the dealer immediately shall notify the Secretary of State.

[ 2003, c. 452, Pt. Q, §14 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**11. Temporary dealer plate.** If a dealer has written authorization from the Secretary of State, a dealer may use a temporary number plate bearing the registration number issued to that dealer.

[ 2003, c. 452, Pt. Q, §15 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §B16 (AMD). 1999, c. 117, §1 (AMD). 1999, c. 470, §§13-16 (AMD). 2001, c. 671, §20 (AMD). 2003, c. 434, §§12,13 (AMD). 2003, c. 434, §37 (AFF). 2003, c. 452, §§Q11-15 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 652, §B5 (AMD). 2003, c. 652, §B8 (AFF). 2005, c. 433, §14 (AMD). 2005, c. 433, §28 (AFF). 2009, c. 435, §16 (AMD).

## §1003. LOANER REGISTRATION CERTIFICATE AND PLATES

**1. Application for certificate and plates.** A dealer or an owner of a body shop, transmission shop or garage may apply for a loaner license and plates.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Permissible use.** A loaner plate may be used on a vehicle owned by the licensee for the sole purpose of loaning the vehicle to a customer when the customer's vehicle is disabled and in the garage for repairs. The limit on the use of the loaned vehicle is 7 consecutive days. The Secretary of State may extend the period to no more than 30 days. A fee for the use of a loaner plate may not be charged to a customer.

[ 2003, c. 434, §14 (AMD); 2003, c. 434, §37 (AFF) .]

**3. Disabled vehicle registration; restrictions; permissions.** The registration certificate assigned to the disabled vehicle must be carried in the loaner vehicle and produced upon demand of a law enforcement officer. Restrictions imposed on or permissions granted to the disabled vehicle apply to the loaner vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Record.** A complete record must be kept at the licensee's established place of business, stating the hour and date the vehicle is loaned and returned, the serial number of the vehicle loaned, the loaner plate number and the registration number of the customer's vehicle. Failure to keep this record is a traffic infraction.

[ 1999, c. 771, Pt. C, §6 (AMD); 1999, c. 771, Pt. D, §§1, 2 (AFF) .]

**5. Operator license.** Before releasing a vehicle to an operator, the licensee must see that the operator has a current operator license and record that operator's name and address.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Personal use.** A loaner plate may not be used by the licensee for personal use or pleasure, in lieu of registration.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Special vanity registration plates.** A car dealer or an owner of a body shop, transmission shop or garage holding special vanity registration plates issued pursuant to section 459 may apply for special vanity loaner plates bearing the same combination of letters and numbers as appears on the special vanity registration plates. Special vanity loaner plates may not be used to supplement existing loaner registration numbers assigned. The Secretary of State shall charge an additional \$30 fee per special vanity loaner registration plate.

[ 2011, c. 44, §2 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 771, §C6 (AMD). 1999, c. 771, §§D1,2 (AFF). 2003, c. 434, §14 (AMD). 2003, c. 434, §37 (AFF). 2011, c. 44, §2 (AMD).

## §1004. TRANSIT PLACARD

**1. Issuance of transit placard.** The Secretary of State may issue a transit placard upon application by any person involved in the business of importing new motor vehicles. The transit placard is to be used to facilitate the movement over the highway of the motor vehicles from the port of entry to a storage yard within a 10-mile radius of the port.

[ 2003, c. 452, Pt. Q, §16 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Required use of transit placard.** A transit placard must be displayed in or on any unregistered motor vehicle that is being operated or towed from the port to a storage yard.

[ 2003, c. 452, Pt. Q, §16 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Prohibited use of transit placard.** A transit placard may not be used:

A. On a towing vehicle; or [2003, c. 452, Pt. Q, §16 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

B. For any purpose other than that permitted under this section. [2003, c. 452, Pt. Q, §16 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

[ 2003, c. 452, Pt. Q, §16 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**4. Expiration.** Transit placards expire at the end of the month one year from the month of issue.

[ 2003, c. 452, Pt. Q, §16 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**5. Fee.** The fee for a transit license is \$100 annually and the fee for each placard is \$10. Government and quasi-government agencies may not be assessed a fee.

[ 2003, c. 452, Pt. Q, §16 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 452, §X2 (AFF). 2003, c. 452, §Q16 (RPR).

## Subchapter 5: VEHICLE AUCTION BUSINESS

### §1051. VEHICLE AUCTION BUSINESS LICENSE

**1. License.** A person may not engage in the business of auctioning vehicles without first being issued a vehicle auction business license.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Conditions for license.** A vehicle auction business license may be issued only after the Secretary of State has made a thorough inspection of the premises on which the business is to be conducted and is satisfied that the proposed business meets all requirements and that the proposed methods of operation are suitable for the business.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Facilities.** A vehicle auction business must maintain proper facilities for display of vehicles being auctioned. The Secretary of State may waive the provision of this subsection for an auction business that does not auction vehicles on its own premises if the facilities used are proper for the display of vehicles.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Records.** A vehicle auction business must maintain an office in which books, records and files related to the business are kept.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Authority of the Secretary of State.** The Secretary of State may:

A. Attend all motor vehicle auctions; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Inspect all books, records and files related to a vehicle auction business; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Inspect all vehicles to be auctioned. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Location.** Except as provided in subsection 3, a vehicle auction business license authorizes business at the licensed premises only. The boundaries of the business are determined by the plan submitted with the application and may be altered with the approval of the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Nontransferability.** A vehicle auction business license is not transferable.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Application.** This section does not apply to vehicle auctioneers who are licensed and bonded pursuant to Title 32, chapter 5-B and who are conducting a vehicle auction incidental to the liquidation of a business or an estate.

[ 1999, c. 146, §3 (AMD) .]

**9. Penalty.** A person who fails to obtain a vehicle auction business license as required by this section commits a traffic infraction.

[ 1999, c. 771, Pt. C, §7 (AMD); 1999, c. 771, Pt. D, §§1, 2 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 146, §3 (AMD). 1999, c. 771, §C7 (AMD). 1999, c. 771, §§D1,2 (AFF).

## §1052. RECORD OF TRANSACTIONS BY VEHICLE AUCTION BUSINESS

**1. Record of sale.** A vehicle auction business must complete a record for each sale of a vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Contents of record.** The record of sale must include the following:

A. A description of the vehicle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The name of the transferor and transferee; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The date of the transaction; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. The odometer reading at the time of sale; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. A statement that a completed disclosure, as required by Title 10, section 1475, subsection 1, was affixed to the vehicle before sale; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. Any additional information that may be required by the official form provided by the Secretary of State. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Filing.** A copy of the record of sale must be filed with the Secretary of State immediately following the sale.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Maintaining record.** The licensee shall maintain a copy of the record of sale for at least 5 years after the date of sale.

[ 1997, c. 437, §27 (AMD) .]

**5. Availability of records for inspection.** All books, records and files related to the sale of vehicles or vehicle parts must be available during normal business hours for inspection by the Secretary of State, law enforcement officers or representatives of the office of the Attorney General. The records must be kept in compliance with the federal Truth in Mileage Act of 1986, Public Law 99-579 and regulations promulgated under 49 Code of Federal Regulations, Part 580.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Penalty.** Violation of this section is a traffic infraction.

[ 1999, c. 771, Pt. C, §8 (AMD); 1999, c. 771, Pt. D, §§1, 2 (AFF) .]

SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 437, §27 (AMD). 1999, c. 771, §C8 (AMD). 1999, c. 771, §§D1,2 (AFF).

## Subchapter 6: LICENSING OF RECYCLERS

### §1101. RECYCLER LICENSE REQUIRED

**1. Recycler.** "Recycler" means a person engaged in the business of purchasing or acquiring salvage vehicles for the purpose of:

- A. Reselling the vehicle or its component parts; [1997, c. 776, §33 (NEW) .]
- B. Rebuilding or repairing the vehicle for the purpose of resale; [1997, c. 776, §33 (NEW) .]
- C. Selling the vehicle's basic materials; [1997, c. 776, §33 (NEW) .]
- D. Displaying or storing the vehicle or its parts; or [1997, c. 776, §33 (NEW) .]
- E. Acting as a scrap processor. [1997, c. 776, §33 (NEW) .]

A person may not engage in business as a recycler without a recycler license issued under this subchapter.

[ 1997, c. 776, §33 (RPR) .]

**2. Insurance salvage pool.** A person may not engage in business as an insurance salvage pool without a license issued under section 1051.

[ 1995, c. 482, Pt. A, §19 (AMD) .]

**3. Dealer registration.** A person licensed under this section who displays, sells, exchanges, offers to negotiate, negotiates or advertises the sale of rebuilt or repaired salvage vehicles must comply with chapter 9, subchapter III.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Term.**

[ 1999, c. 470, §17 (RP) .]

**4-A. Term.** Recycler licenses issued on or after the effective date of this subsection must be issued on a staggered basis and expire on the last day of the month, one year from issuance. All recycler licenses renewed for calendar year 2000 must be renewed on a staggered basis and the license fees prorated.

[ 1999, c. 470, §18 (NEW) .]

**5. Penalty.** Violation of this section is a Class E crime.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §A19 (AMD). 1997, c. 776, §33 (AMD). 1999, c. 470, §§17,18 (AMD).

## §1102. EXEMPTIONS

The following are exempt from this subchapter: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Financial institutions.** A financial institution, as defined in Title 9-B, section 131, subsections 17 and 17-A;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Insurance companies.** An insurance company licensed to do business in this State;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Persons performing repairs to own vehicles.** A person performing repairs to a vehicle registered in that person's name;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Certain retail businesses.** A retail business that primarily sells new or rebuilt auto parts and does not buy salvage vehicles to dismantle for inventory; and

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Towing businesses.** A towing business or garage that tows accident-damaged vehicles and stores them while awaiting disposition or that acquires vehicles pursuant to chapter 15, subchapter III, if the vehicles are disposed of through sale or transfer immediately upon gaining ownership.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1102-A. MOBILE CRUSHERS

A person operating a mobile crusher in this State, whether based in or outside of the State, is subject to the provisions of this subchapter except the provisions of section 1103. The Secretary of State may adopt rules for the permitting of mobile crushers. For purposes of this section, "mobile crusher" means a transportable device that is used to crush motor vehicles. [2009, c. 435, §17 (NEW).]

### SECTION HISTORY

2009, c. 435, §17 (NEW).

## §1103. LICENSE REQUIREMENTS

To qualify for a license, an applicant must: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Established place of business.** Have an established place of business that is a permanent commercial location within the State:

A. That is easily accessible and open to the public at all reasonable times; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. At which the business of a recycler may be carried on in accordance with all applicable laws, codes, zoning and land use regulations; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]



C. At which the public may contact the recycler at all reasonable times; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. At which the books, records and files necessary to conduct business at that place are kept and maintained; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Sign.** Display an exterior sign permanently affixed to the land or buildings;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Storage and display facilities.** Have proper facilities for storage and display of vehicles being handled; and

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Office.** Have a suitable office from which business is conducted and in which records of the business are kept.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

### §1104. APPLICATION FOR LICENSE

An application for a recycler license must contain the following information in such form as the Secretary of State may prescribe: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Identification.** The applicant's name, type of business organization and place of organization;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. History.** The qualifications and business history of the applicant and any partner, officer or director;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Criminal and civil record.** Whether the applicant has been found guilty of any criminal offense within the past 5 years or has had a judgment of liability in a civil action involving fraud, misrepresentation or conversion. For a corporation or partnership, the application must provide the information required in this subsection for all directors, officers or partners;

[ 1997, c. 776, §34 (AMD) .]

**4. Place of business.** A satisfactory report from a representative of the Secretary of State that the applicant has an established place of business at each business location in the State; and

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Additional information.** Any other information that the Secretary of State requires to implement this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 776, §34 (AMD).

## §1105. LICENSE FEES

**1. Application fee.** The fee for an initial application for a license under this subchapter is \$150 and is nonrefundable.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. License fee.** The fee for the issuance or renewal of a license is \$150. A business licensed under this Title as a new car dealer, used car dealer or equipment dealer is exempt from this fee.

[ 1997, c. 437, §28 (AMD) .]

**3. Annex or secondary locations.** Each secondary or annex location of a recycler must be approved and licensed by the Secretary of State. The annual fee for each secondary location is \$100. The annual fee for each annex location is \$150.

[ 1997, c. 776, §35 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 437, §28 (AMD). 1997, c. 776, §35 (AMD).

## §1106. ACTION ON APPLICATION FOR LICENSE OR RENEWAL

The Secretary of State shall act on an application for a recycler license or its renewal within 90 days of receipt. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

If the Secretary of State refuses to grant or to renew a license, notice must be given to the applicant that an opportunity for hearing before the Secretary of State will be provided on request to show cause why that license should be granted or renewed. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1106-A. MUNICIPAL NOTIFICATION

The Secretary of State shall provide written notice of all license decisions under section 1106 to the code enforcement officer or municipal designee of the municipality in which the applicant for a recycler license proposed its facilities to be located. If any proposed location is not within an organized municipality, the Secretary of State shall provide written notice to the county commissioners for that location. [2003, c. 312, §1 (NEW).]

#### SECTION HISTORY

2003, c. 312, §1 (NEW).

## §1107. DISPLAY AND CONTENT OF LICENSE

**1. Content.** A recycler license must specify:

A. The location of each established place of business and other locations occupied in conducting business; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The effective and expiration dates of the license; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Any other information the Secretary of State considers necessary to implement this section. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Display.** The license must be conspicuously displayed at each established place of business or other location occupied in conducting business.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1108. DENIAL, SUSPENSION OR REVOCATION OF A RECYCLER LICENSE

**1. Grounds.** The Secretary of State may deny, suspend or revoke a recycler license on the following grounds:

A. A material misstatement in an application for a license; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Failure to comply with a provision of this subchapter, any lawful rule adopted by the Secretary of State or any provision of Title 17 or Title 17-A or this Title as they relate to being a proper person to be in the business of the sales of vehicles or parts; [1995, c. 482, Pt. A, §20 (AMD).]

C. Failure to maintain an established place of business; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Failure to notify the Secretary of State in writing 30 days prior to moving or ceasing operation; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. The defrauding of a buyer, to the buyer's or another's damage, in the conduct of the licensee's business; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. Conviction of a fraudulent act in connection with the business of selling motor vehicles or parts or being held liable by a civil judgment involving fraud, misrepresentation or conversion; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

G. Violation of Title 5, sections 206 to 212; Title 17, section 3203; or Title 30-A, sections 3751 to 3760; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

H. Submission of a check, draft or money order to the Secretary of State that is dishonored or refused upon presentation; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

I. Certification by the State Tax Assessor that a tax, other than property tax, considered final under Title 36, remained unpaid in an amount exceeding \$1,000 for a period greater than 60 days after notice of finality and that the licensee or applicant refused to cooperate with the Bureau of Revenue Services in

establishing and remaining in compliance with a reasonable plan for meeting that liability; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 1997, c. 526, §14 (AMD).]

J. Failure to appear at a hearing required by the Secretary of State or failure to appear in court pursuant to a lawful summons. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1995, c. 482, Pt. A, §20 (AMD); 1997, c. 526, §14 (AMD) .]

**1-A. Appeal from action of the Secretary of State.** Any person aggrieved by the act of the Secretary of State to refuse to grant or renew a license under this subchapter or to suspend or revoke a license or by any other act of the Secretary of State that the person alleges to be improper, unreasonable or unlawful under this subchapter may, within 30 days' notice of the decision, appeal to the Superior Court for a judicial review, as provided in Title 5, chapter 375, subchapter VII.

[ 1995, c. 65, Pt. A, §98 (NEW); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

**2. Proximity to veterans' cemetery.** A license may be denied if a place of business is within one mile of a federally owned or state veterans' cemetery, unless the Secretary of State finds that:

A. The conduct of the business will not unduly interfere or degrade the purposes of the cemetery; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The business and location will be adequately screened for sight and noise; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. There is adequate distance, not less than 1,500 feet, between the cemetery and place of business. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Refusal to surrender license.** Any recycler who fails or refuses to surrender the license upon demand of the Secretary of State following the suspension or revocation of that license, commits a Class E crime.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Penalties.** Any person who continues to engage in business as a salvage vehicle dealer, recycler or as a scrap processor, after suspension or revocation of the license issued by the Secretary of State, is guilty of a Class E crime, punishable by a fine of not less than \$200 and that fine may not be suspended.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A98 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 482, §A20 (AMD). 1997, c. 526, §14 (AMD).

## §1109. VICARIOUS LIABILITY

**1. Corporators or partners.** If a licensee is a partnership or corporation, it is sufficient cause for denial, suspension or revocation of a license if an officer, director, trustee or partner of the partnership or corporation has committed an act or omitted a duty that would be cause for denying, suspending or revoking a license.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Employees.** A licensee is responsible for the acts of employees if that licensee approved of or had knowledge of the acts or other similar acts and after that approval or knowledge retained the benefit, proceeds, profits or advantages accruing from the acts or otherwise ratified the acts.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1110. RECORDS OF TRANSACTIONS

**1. Record keeping.** A licensee shall maintain business records for 5 years, including a record of:

A. Every vehicle or component part received or disposed of; its make, model, model year, vehicle identification number and any other part identifying number; the date of its receipt or disposition; and the name and address of the person from whom received or to whom given; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF)].

B. Every vehicle scrapped or dismantled by the licensee, the date of that action and the vehicle's make, model, model year and vehicle identification number. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF)].

A scrap processor is exempt from the requirements set forth in paragraph A for vehicles received that are already dismantled.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Availability.** The records, the place of business and the vehicles and vehicle parts in the possession of the licensee must be available for inspection during normal business hours by the Secretary of State, a law enforcement officer or representatives of the office of the Attorney General.

The operator of a mobile crusher as defined in section 1102-A shall make that operator's records available in this State during normal business hours or in accordance with rules adopted by the Secretary of State.

[ 2009, c. 435, §18 (AMD) .]

**3. Compliance with federal law.** In the keeping of records, a licensee shall comply with the federal Truth in Mileage Act of 1986, Public Law 99-579, as amended, and the regulations of the United States Secretary of Transportation, 49 Code of Federal Regulations, Part 580.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Penalty.** Violation of this section is a Class E crime.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2009, c. 435, §18 (AMD) .

## §1111. SURRENDERING CERTIFICATE

A recycler who scraps or dismantles a vehicle shall deliver the certificate of title or certificate of salvage to the Secretary of State for cancellation. Except for a dismantled vehicle that has been repaired or rebuilt, a certificate of title or registration to the vehicle may not be issued again. Violation of this section is a Class E crime. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1112. IDENTIFICATION NUMBER

A recycler may not possess or exercise control over a vehicle or vehicle part that has had the vehicle identification number removed. It is not a defense that the recycler did not know that the vehicle identification number had been removed. Violation of this section is a Class E crime. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## Chapter 11: DRIVER'S LICENSE

### Subchapter 1: GENERAL PROVISIONS

#### §1251. LICENSE REQUIRED

**1. Violation.** Except as provided in section 510, subsection 1, a person commits an offense of operating a motor vehicle without a license if that person operates a motor vehicle on a public way or parking area:

A. Without being licensed. Violation of this paragraph is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A; [2003, c. 452, Pt. Q, §17 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. In violation of a condition or restriction on the license. Violation of this paragraph is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A; [2003, c. 452, Pt. Q, §17 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. Without a license issued by this State if a resident of this State for more than 30 days but fewer than 90 days. Violation of this paragraph is a traffic infraction; [2005, c. 314, §5 (AMD).]

D. Without a license issued by this State if a resident of this State for more than 90 days. Violation of this paragraph is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A; or [2005, c. 314, §5 (AMD).]

E. Unless a permit is issued pursuant to subsection 7, with a license issued by this State that expired within the previous 90 days. Violation of this paragraph is a traffic infraction. [2013, c. 24, §1 (AMD).]

[ 2013, c. 24, §1 (AMD) .]

**1-A. Residents required to obtain license.** Within 30 days of becoming a resident of this State, a person shall apply to obtain a license in accordance with section 1301. Except as provided in section 510, subsection 1, a person who fails to comply with the requirement of this subsection and operates a motor vehicle on a public way or parking area commits:

A. A traffic infraction if the person has been a resident for less than 90 days; or [1999, c. 771, Pt. C, §9 (NEW); 1999, c. 771, Pt. D, §§1, 2 (AFF).]

B. A Class E crime if the person has been a resident for at least 90 days. [1999, c. 771, Pt. C, §9 (NEW); 1999, c. 771, Pt. D, §§1, 2 (AFF).]

[ 2001, c. 687, §14 (AMD) .]

#### **2. Penalty.**

[ 2003, c. 452, Pt. Q, §18 (RP); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Issue restrictions.** A person may not receive a license unless:

A. That person surrenders all valid licenses in that person's possession issued by any jurisdiction; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The Secretary of State is satisfied that the applicant is a proper person to receive a license. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Number limited.** A person may not have more than one valid license, unless authorized by the Secretary of State. A person may not have more than one commercial license.

[ 1993, c. 2, §19 (COR) .]

**5. Age limit.** A license, except a special restricted license under section 1256, may not be issued to a person who has not attained 16 years of age.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Exemptions.** The following people are exempt from the license requirements of this chapter:

A. A nonresident who is 16 years of age or older and who has in that person's possession a valid license or learner's permit issued by that person's state or province. A nonresident operator shall adhere to all restrictions applied to the license or learner's permit issued by that person's state or province. A nonresident who is not yet 16 years of age may not operate a motor vehicle; [2013, c. 381, Pt. B, §10 (AMD) .]

B. A person on active duty in the United States Armed Forces, if that person possesses:

(1) A valid license issued by that person's state of domicile; or

(2) For a period of 45 days after return from duty outside the United States, a valid license issued by the United States Armed Forces in foreign countries; [1995, c. 482, Pt. B, §17 (AMD) .]

C. A spouse of a member of the United States Armed Forces while accompanying that member on active duty assignment to this State, and who is not a resident of this State and who has a valid license issued by another jurisdiction; and [1995, c. 482, Pt. B, §17 (AMD) .]

D. A person operating a motor vehicle in a parking area under the supervision of an instructor during career and technical education as defined by Title 20-A, section 8301-A, subsection 2-A. [2003, c. 2, §92 (COR) .]

[ 2013, c. 381, Pt. B, §10 (AMD) .]

**7. Temporary permit to operate a motor vehicle with an expired license.** Upon stopping an operator of a motor vehicle who is in violation of subsection 1, paragraph E, a law enforcement officer may issue a permit to the operator of the motor vehicle to operate the motor vehicle to the operator's residence or to an office of the bureau for the sole purpose of renewing the operator's license.

[ 2013, c. 24, §2 (NEW) .]

#### SECTION HISTORY

RR 1993, c. 2, §19 (COR). 1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A99 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 482, §§B17,18 (AMD). 1995, c. 584, §§B5,6 (AMD). 1999, c. 771, §C9 (AMD). 1999, c. 771, §§D1,2 (AFF). 2001, c. 687, §§13,14 (AMD). RR 2003, c. 2, §92 (COR). 2003, c. 452, §§Q17,18 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 314, §§5,6 (AMD). 2013, c. 24, §§1, 2 (AMD). 2013, c. 381, Pt. B, §10 (AMD).

## §1252. CLASSES

A license is not valid for the operation of a vehicle unless a class or restriction is indicated on the license. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**1. Classes.** There are 3 classes of licenses as follows:



A. A Class A license may be issued for the operation of a combination of vehicles with a gross vehicle weight rating of 26,001 or more pounds, if the gross vehicle weight rating or gross weight of the vehicles being towed is in excess of 10,000 pounds.

A holder of a Class A license may, with an appropriate endorsement, operate a vehicle in Class B or C; [ 2013, c. 381, Pt. B, §11 (AMD) . ]

B. A Class B license may be issued for the operation of a single motor vehicle with a gross vehicle weight rating of 26,001 or more pounds or such a vehicle towing a vehicle with a gross vehicle weight rating or gross weight not in excess of 10,000 pounds.

A holder of a Class B license may, with an appropriate endorsement, operate a vehicle in Class C; and [ 2013, c. 381, Pt. B, §11 (AMD) . ]

C. A Class C license may be issued for the operation of a single vehicle or a combination of vehicles that does not meet the definition of Class A or Class B license.

A holder of a Class C license may, with an appropriate endorsement, operate all vehicles in that class.

A Class C license authorizes:

- (1) A full-time or volunteer member of an organized municipal, state or federal fire department and a law enforcement officer who is a member of an organized municipal, state or federal law enforcement department to operate fire apparatus as described in 49 Code of Federal Regulations, Section 383.3 (2005) and to operate a commercial motor vehicle as a mobile command unit. For purposes of this subparagraph, "mobile command unit" means a motor vehicle designed and used by a law enforcement agency primarily as a command and control platform for emergency response;
- (2) A person to operate recreational vehicles for personal use;
- (3) A person to operate commercial motor vehicles for military purposes as required in 49 Code of Federal Regulations, Section 383.3 (2005);
- (4) A person to operate registered farm motor trucks bearing the letter "F" on the registration plate when the vehicle is:
  - (a) Controlled and operated by a farmer, including operation by the farmer's employees or family members;
  - (b) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;
  - (c) Not used in the operation of a common or contract motor carrier; and
  - (d) Used within 150 miles of the registered owner's farm;
- (5) A person, employed by a city, town, county, district or other unit of local government created by or pursuant to law that has a total population of 3,000 individuals or less, to operate a commercial motor vehicle within the boundaries of that unit of local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:
  - (a) The properly licensed employee who ordinarily operates a commercial motor vehicle for those purposes is unable to operate the vehicle; or
  - (b) The employing governmental entity determines that a snow or ice emergency exists that requires additional assistance; or
- (6) A person to operate a truck registered as an antique automobile, regardless of weight or combination weight, provided the vehicle is used for noncommercial recreational purposes or purposes pursuant to section 101, subsection 3. [ 2011, c. 165, §1 (AMD) . ]

[ 2013, c. 381, Pt. B, §11 (AMD) . ]

**2. School bus or motorcycle.** Operation of a school bus or motorcycle requires a special endorsement on a license.

A nonresident school bus driver picking up and discharging school children or driving in conjunction with school-related activities may operate a vehicle with a certificate issued by the Secretary of State.

A school bus certificate may be issued only after the applicant has successfully passed the required examination.

[ 2005, c. 577, §14 (AMD) .]

**3. Mopeds and motorized scooters.** A moped or motorized scooter may not be operated:

A. By a person who does not possess a valid license of any class or a license specially endorsed to operate a motorcycle or a moped; or [ 2005, c. 577, §15 (AMD) .]

B. On an interstate highway or on a way on which a bicycle is prohibited. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

[ 2005, c. 577, §15 (AMD) .]

**4. Examination.** The Secretary of State shall examine an applicant for the class for which the applicant applies.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Immediate examination.**

[ 2013, c. 381, Pt. B, §12 (AMD); T. 29-A, §1252, sub-§5 (RP) .]

**6. Endorsement.** The Secretary of State shall endorse each license with its class and a special endorsement for specific types of vehicles.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Violation.** A person commits a Class E crime if that person operates a vehicle not included within the class of license issued to that person.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Employer's requirements.** An employer may impose more stringent or additional qualifications, requirements or examinations than are imposed in this section or may require additional certificates.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §B11 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1997, c. 437, §29 (AMD). 2001, c. 197, §5 (AMD). 2001, c. 486, §2 (AMD). 2005, c. 577, §§14,15 (AMD). 2005, c. 679, §2 (AMD). 2007, c. 383, §20 (AMD). 2011, c. 165, §1 (AMD). 2013, c. 381, Pt. B, §§11, 12 (AMD).

## §1253. COMMERCIAL LICENSES

**1. Classifications.** A Class A or Class B license, or a Class C license carrying an endorsement under subsection 3, is a commercial license.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Compliance with federal law.** The State must comply with the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, the federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159, 113 Stat. 1748 and regulations adopted under those Acts in issuing or suspending a commercial license. In the case of any conflict between the federal statute or regulation and a statute or rule of this State, the federal statute or regulation must apply and take precedence. To ensure compliance, the Secretary of State shall adopt rules, administrative procedures, practices and policies, organizational structures, internal control mechanisms and resource assignments.

These compliance measures must include, but are not limited to, provisions that:

A. Provide for full state participation in the national commercial driver's license clearinghouse; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Require commercial drivers to have a single license; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Reduce and prevent commercial motor vehicle accidents, fatalities and injuries by disqualifying commercial drivers who have committed serious traffic or other designated offenses from operating commercial motor vehicles; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Protect public safety by removing from public ways a commercial driver who has:

(1) Operated or attempted to operate a commercial vehicle while having an alcohol level of 0.04 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath;

(2) Refused to submit to or complete a lawfully requested test to determine that driver's alcohol level; or

(3) Operated or attempted to operate a motor vehicle while under the influence of intoxicating liquor or drugs; and [2009, c. 447, §27 (AMD).]

E. Provide maximum safety on public ways. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2009, c. 447, §27 (AMD) .]

**3. Endorsements for double or triple trailers, buses, tank vehicles or hazardous materials.**

Operation of a double or triple trailer, bus or tank vehicle requiring a commercial driver's license or a vehicle carrying hazardous materials requiring a placard requires a special endorsement on a commercial license.

An endorsement may be made under this subsection only after the applicant has successfully passed the examination for the specific vehicle.

To retain a hazardous material endorsement on renewal of a commercial license, a reexamination of the hazardous material written test is required.

A person who applies for or receives a hazardous material endorsement must comply with the conditions and requirements of the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, Public Law 107-56, 115 Stat. 272.

[ 2013, c. 381, Pt. B, §13 (AMD) .]

**4. Air brakes.** If an applicant either fails the air brake component of the examination under subsection 3 or performs the examination in a vehicle not equipped with air brakes, that person is prohibited from operating a commercial motor vehicle equipped with air brakes. The license must be so restricted.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Operation with an alcohol level of 0.04 grams or more or under the influence of intoxicating liquor or drugs.** The Secretary of State shall suspend, without preliminary hearing, the commercial license of a person who has operated or attempted to operate a commercial motor vehicle while having an alcohol level of 0.04 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath or while under the influence of intoxicating liquor or drugs.

The period of suspension must satisfy the regulations adopted by the United States Secretary of Transportation under the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII.

[ 2009, c. 447, §28 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 434, §§15,16 (AMD). 2003, c. 434, §37 (AFF). 2003, c. 652, §B6 (AMD). 2003, c. 652, §B8 (AFF). 2005, c. 433, §15 (AMD). 2009, c. 447, §§27, 28 (AMD). 2013, c. 381, Pt. B, §13 (AMD).

## §1254. SPECIAL LICENSES

**1. Motorcycles.** The Secretary of State may issue a license specifically endorsed for the operation of a motorcycle with the same requirements as a motor vehicle license. A motor vehicle license does not authorize operation of a motorcycle unless the license is endorsed for that vehicle.

[ 2005, c. 577, §16 (AMD) .]

**2. Moped license.** The Secretary of State may issue a license to operate a moped. An applicant must have attained 16 years of age and must pass an examination on qualifications to operate a moped. The examination fee and license fee for a moped license is the same as for a Class C license.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Motorized bicycle, tricycle or scooter operator.** A motorized bicycle or tricycle or motorized scooter may only be operated by a person who possesses a valid license of any class, a learner's permit or a license endorsed for a motorcycle or moped. The Secretary of State may not require the operator of a motorized bicycle or tricycle or motorized scooter to obtain a license endorsed for a motorcycle or moped.

[ 2013, c. 381, Pt. B, §14 (AMD) .]

**4. Forms.** The Secretary of State shall prepare forms for applications under this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 170, §2 (AMD). 2005, c. 577, §§16,17 (AMD). 2013, c. 381, Pt. B, §14 (AMD).

## §1255. MEMBERS OF THE ARMED FORCES

**1. Privileges.** A resident who is serving on active duty in the United States Armed Forces and otherwise qualified to operate a motor vehicle:

A. Must receive a license or nondriver identification card on application to the Secretary of State;

[ 2013, c. 51, §1 (AMD) .]

B. Is exempt from the payment of a fee for a license or nondriver identification card; [ 2013, c.

51, §1 (AMD) .]

C. May operate a motor vehicle, notwithstanding the expiration date of that person's license, without obtaining a new license; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Shall, while operating a motor vehicle, carry conclusive evidence of membership in the Armed Forces. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2013, c. 51, §1 (AMD) .]

**2. After discharge.** The privileges of this section remain in effect for a period of 180 days after discharge or release from the Armed Forces.

[ 2013, c. 51, §2 (AMD) .]

**3. Revocation or suspension.** This section does not permit a person whose license or right to operate is revoked or suspended or who has been refused a license to operate a motor vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2013, c. 51, §§1, 2 (AMD) .

## §1256. SPECIAL RESTRICTED LICENSE

A person who is 15 years of age and who has successfully completed a driver education course and passed an examination for operation of a motor vehicle as provided in section 1301 may be issued a special restricted license based on educational, employment or medical need without the person's having held a permit for a period of 6 months as required by section 1304, subsection 1, paragraph H, subparagraph (1) as follows. [2015, c. 473, §12 (AMD).]

**1. Educational need.** A person seeking to qualify for a special restricted license based on educational need must file an application. If the applicant qualifies under paragraph A, and has completed a minimum of 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age, a special restricted license must be issued to the applicant.

A. An application must include:

(1) A signed notarized statement from the applicant and the applicant's parent or guardian that:

(a) No readily available alternative means of transportation exists; and

(b) Use of a motor vehicle is necessary for transportation to and from a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education or a career and technical education center or region that the applicant is attending;

(2) A verification of school attendance; and

(3) A statement by the principal of the school of the lack of a readily available alternative means of transportation. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 2003, c. 545, §5 (REV).]

B. A special restricted license issued pursuant to this subsection only authorizes the holder to operate a motor vehicle between the holder's residence and school unless accompanied by a licensed driver who meets the requirements of section 1304, subsection 1, paragraph E, subparagraphs (1) to (4). [ 2013, c. 606, §2 (AMD) .]

[ 2013, c. 606, §2 (AMD) .]

**2. Employment need.** A person seeking to qualify for a special restricted license based on employment need must file an application. If the applicant qualifies under paragraph A, and has completed a minimum of 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age, a special restricted license must be issued to the applicant.

A. An application must include:

- (1) A signed, notarized statement from the applicant and the applicant's parent or guardian that:
  - (a) No readily available alternative means of transportation exists; and
  - (b) Use of a motor vehicle is necessary for transportation to, from or in connection with employment of the applicant; and
- (2) A verification of employment by the employer. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A special restricted license issued pursuant to this subsection only authorizes the holder to operate a motor vehicle between the holder's residence, school and place of employment and other places necessary in direct connection with that employment unless accompanied by a licensed driver who meets the requirements of section 1304, subsection 1, paragraph E, subparagraphs (1) to (4). [2013, c. 606, §3 (AMD).]

[ 2013, c. 606, §3 (AMD) .]

**2-A. Medical need.** A person seeking to qualify for a special restricted license based on medical need must file an application. The Secretary of State may grant a person who is 15 years of age a special restricted license under circumstances of medical necessity that are experienced by the person or a member of the person's immediate family if the Secretary of State determines the circumstances to be exigent and not inconsistent with the interest of highway safety and if that person has completed a minimum of 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. The Secretary of State may reduce the required minimum hours of driving under this subsection if the secretary determines a reduction is not inconsistent with the interest of highway safety.

A. An application must include:

- (1) A signed, notarized statement from a physician attesting to the existence of circumstances of medical necessity; and
- (2) A signed, notarized statement from the applicant or the applicant's parent or guardian that:
  - (a) No readily available alternative means of transportation exists; and
  - (b) Use of a motor vehicle is necessary for transportation in connection with circumstances of medical necessity that are experienced by the person or a member of the person's immediate family. [2013, c. 606, §4 (NEW).]

B. A special restricted license issued pursuant to this subsection only authorizes the holder to operate a motor vehicle between the holder's residence and school and locations necessitated by the circumstances of medical necessity unless accompanied by a licensed driver who meets the requirements of section 1304, subsection 1, paragraph E, subparagraphs (1) to (4). [2013, c. 606, §4 (NEW).]

[ 2015, c. 473, §13 (AMD) .]

**3. Suspension of provisional license.** A special restricted license is a provisional license. Notwithstanding chapter 23, subchapter III, article 2 and in addition to section 1302, subsection 2, the Secretary of State shall suspend a special restricted license when:

A. The holder is convicted of or adjudicated to have committed a violation of the license restriction or of a motor vehicle moving violation when holding a special restricted license. A person whose license is suspended pursuant to this paragraph is not entitled to another special restricted license; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The Secretary of State receives written notice from the holder, parent, guardian, physician, principal or employer that the holder no longer qualifies for a special restricted license. [ 2013, c. 606, §5 (AMD) .]

[ 2013, c. 606, §5 (AMD) .]

#### 4. Hearing.

[ 2011, c. 654, §1 (RP) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 737, §1 (AMD). 2001, c. 671, §§21,22 (AMD). 2003, c. 545, §5 (REV). 2011, c. 654, §1 (AMD). 2013, c. 606, §§1-5 (AMD). 2015, c. 473, §§12, 13 (AMD).

## §1257. RESTRICTED LICENSES

The Secretary of State may restrict a license to operation: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### 1. Specific vehicle. Of a specified vehicle;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### 2. Daylight. During daylight hours;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### 3. Area operation. Within a designated area; or

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

4. Other. Under any other restriction or condition that the Secretary of State determines is in the interest of highway safety.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1258. MEDICAL ADVISORY BOARD

1. Board. The Medical Advisory Board, as established by Title 5, section 12004-I, subsection 84, consists of members appointed by the Secretary of State. Membership of the board is as follows.

A. The board must include licensed physicians representing the specialties of cardiology, gerontology, internal medicine, neurology or neurological surgery, ophthalmology, psychiatry, family practice and rehabilitative medicine and may include additional members who are professionals in relevant medical fields. [1995, c. 482, Pt. B, §19 (AMD).]

B. The Secretary of State shall designate the chair of the board. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Members of the board are entitled to compensation in accordance with Title 5, chapter 379. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1995, c. 482, Pt. B, §19 (AMD) .]

**2. Duties.** The duties of the board are as follows.

A. The board shall meet at least once every 2 years and may hold as many meetings as necessary. [2005, c. 433, §17 (AMD); 2005, c. 433, §28 (AFF).]

B. The board shall advise the Secretary of State on written medical and vision standards related to operator's licensing. Standards may only be adopted as rules. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The board shall coordinate efforts to educate health care providers and the public in the medical aspects of motor vehicle operator licensing. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2005, c. 433, §17 (AMD); 2005, c. 433, §28 (AFF) .]

**3. Determination of competency.** The Secretary of State may request written medical reports to determine who receives records, testimony, recommendations and reports of the board and determine the competency of a person to operate a motor vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Board review.** The Secretary of State, having cause to believe that a licensed driver or applicant may not be physically or mentally qualified to be licensed, may obtain the advice of the board, a member of the board or another medical or paramedical professional licensed or certified in a medical specialty as follows.

A. The board may formulate advice from records and reports or may cause an examination and report to be made by a member or another qualified person. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The person under review may deliver a written report to the board and the board must give due consideration to the report. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The Secretary of State may request that the board interview in person someone whose ability to operate a motor vehicle safely is unascertainable through written reports or records. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Suspension pending compliance.** The license of a person under review who refuses to submit to an examination or to provide information as requested by the Secretary of State pursuant to this subchapter may be suspended until the individual complies with the request.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Immunity.** A member of the board or other person making an examination and report of opinion, recommendation or advice to the Secretary of State in good faith is immune from criminal or civil liability for so doing. A physician or other person who becomes aware of a physical, mental or emotional impairment that appears to present an imminent threat to driving safety and reports this information to the Secretary of State in good faith is immune from criminal or civil liability for so doing. The immunity for damages under this subsection applies only to the extent that this immunity is not in conflict with federal law or regulation.

[ 1993, c. 2, §20 (COR) .]



**7. Confidentiality.** A report received or made by the board, a member or the Secretary of State for the purpose of assisting the Secretary of State in determining whether a person is qualified to be licensed is confidential and only for the use of the board, the Secretary of State, medical personnel treating the person subject to review and the person subject to review.

These reports may not be divulged to another person unless the person subject to review gives written permission.

[ 2015, c. 206, §5 (AMD) . ]

**8. Reporting.** Notwithstanding the provisions of Title 5, section 12005-A, the board is not required to file an annual report with the Secretary of State unless the board meets and exercises any of its powers and duties during a calendar year. In any calendar year in which the board meets and exercises any of its powers and duties, the board is subject to the provisions of Title 5, section 12005-A.

[ 2005, c. 433, §16 (NEW); 2005, c. 433, §28 (AFF) . ]

#### SECTION HISTORY

RR 1993, c. 2, §20 (COR). 1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §§A21,B19 (AMD). 2005, c. 433, §§16,17 (AMD). 2005, c. 433, §28 (AFF). 2015, c. 206, §5 (AMD).

## §1259. CANCELLATION OF LICENSE FOR PHYSICAL, MENTAL OR EMOTIONAL REASONS

**1. Request for cancellation.** A person issued a license may request the Secretary of State, in writing, to cancel the license for physical, mental or emotional reasons. The Secretary of State may cancel a license after receipt of the written request from the individual.

[ 2001, c. 671, §23 (NEW) . ]

**2. Notice of cancellation.** Upon receiving a request to cancel a license, the Secretary of State shall designate the license as canceled and notify the person who requested the cancellation pursuant to subsection 1, in writing, of the cancellation. The cancellation is effective on the date specified by the Secretary of State on the notice, which may not be less than 10 days after the mailing of the notification of cancellation by the Secretary of State.

[ 2001, c. 671, §23 (NEW) . ]

**3. Operating after cancellation.** A person commits the offense of operating a motor vehicle without a license as provided in section 1251, subsection 1 if that person operates a motor vehicle after the person's license has been canceled by the Secretary of State pursuant to this section.

[ 2001, c. 671, §23 (NEW) . ]

**4. Reissuance of license.** A person whose license is canceled pursuant to this section may petition the Secretary of State, in writing, to reissue the license. The Secretary of State may issue a person a license if the person:

A. Demonstrates that the person is physically, mentally or emotionally competent to operate a motor vehicle; and [ 2001, c. 671, §23 (NEW) . ]

B. Successfully completes the operator's examination, including a vision, written and road test, which must be administered without fee to the person. [ 2001, c. 671, §23 (NEW) . ]

[ 2001, c. 671, §23 (NEW) . ]

**5. Suspension.** This section does not limit the authority of the Secretary of State to suspend a license.

[ 2001, c. 671, §23 (NEW) .]

#### SECTION HISTORY

2001, c. 671, §23 (NEW).

## Subchapter 2: ISSUING LICENSES

### §1301. APPLICATION

**1. Application required.** An applicant must present to the Secretary of State an application for license on a form prepared by the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Contents.** The applicant must provide specific answers that demonstrate the experience and competence of the applicant to operate a motor vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2-A. Legal presence requirement.** The Secretary of State may not issue a license to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States, except that the Secretary of State may exempt a person from the requirements of this subsection if that person is renewing a noncommercial driver's license and that person has continuously held a valid driver's license under this chapter since December 31, 1989 or was born before December 1, 1964.

[ 2013, c. 163, §1 (AMD) .]

**3. Proof of age.** An applicant who has not attained the age of 23 years must provide satisfactory proof of the applicant's date of birth prior to receiving a permit or original license.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Examination.** An applicant must pass a physical examination by actual demonstration of ability to operate a motor vehicle and a written examination. Failure to complete the driving test within the term of a learner's permit requires reexamination for the permit.

[ 2013, c. 381, Pt. B, §15 (AMD) .]

**5. Permanent license number.**

[ 2005, c. 250, §1 (RP) .]

**6. Social security number.** Notwithstanding any other provision of law, the social security number of any applicant for a license or nondriver identification card must be recorded on the application, and the Secretary of State may not issue a license or nondriver identification card to a person who does not possess and provide a valid social security number. The Secretary of State shall collect, store and verify the social security number of an applicant for a license or nondriver identification card and may use that number to establish a permanent license number or nondriver identification number. This subsection does not apply to a person who provides written proof to the Secretary of State that the person is ineligible to receive a social security number.

[ 2005, c. 250, §2 (RPR) .]

**6-A. Confidentiality.** Except as authorized under 18 United States Code, Section 2721, the Secretary of State may not disseminate information collected under subsection 6 to any entity without specific authorization from the Legislature. For every willful violation of this subsection, a person commits a civil violation for which a fine of not more than \$500 may be adjudged.

[ 2011, c. 149, §4 (NEW) .]

**7. Physical examination.** A physical examination that may be required by the Secretary of State for the issuance or renewal of a license may be performed by a licensed physician, physician assistant, nurse practitioner or other competent treatment personnel as determined by the Medical Advisory Board.

[ 2001, c. 159, §1 (NEW) .]

**8. Organ and tissue donation.** This subsection applies to organ donation under section 1402-A.

A. Before issuing or renewing a driver's license, the Secretary of State shall make available to the applicant a short statement on the opportunity to save a life through organ and tissue donation and shall provide the applicant an opportunity to become an organ or tissue donor. The applicant must be given a form on which to indicate whether the applicant intends to become a donor. [2003, c. 394, §2 (NEW); 2003, c. 394, §6 (AFF).]

B. Information regarding the opportunity to save a life through organ and tissue donation must be prominently displayed on driver's license information mailed to applicants or distributed at offices of the bureau and must be prominently displayed on posters in offices of the bureau. [2003, c. 394, §2 (NEW); 2003, c. 394, §6 (AFF).]

[ 2003, c. 394, §2 (NEW); 2003, c. 394, §6 (AFF) .]

**8. (REALLOCATED TO T. 29-A, §1301, sub-§9) Vehicle used for examination.**

[ 2003, c. 1, §28 (RAL); 2003, c. 397, §4 (NEW); 2003, c. 397, §6 (AFF) .]

**9. (REALLOCATED FROM T. 29-A, §1301, sub-§8) Vehicle used for examination.** An applicant for a license may not use a low-speed vehicle or autocycle to demonstrate ability to operate a motor vehicle as required under subsection 4.

[ 2009, c. 55, §3 (AMD) .]

**10. Expired documents.** The Secretary of State may not accept the following documents as identification for the purpose of issuing a nondriver identification card or driver's license:

A. An expired visa granted by the authority of the United States; [2005, c. 469, §1 (NEW).]

B. An expired document issued by a foreign country; or [2005, c. 469, §1 (NEW).]

C. A foreign passport showing an elapsed departure date. [2005, c. 469, §1 (NEW).]

[ 2005, c. 469, §1 (NEW) .]

**11. Residency requirement.** A license may not be issued to a person unless the person presents acceptable documentary evidence of the person's residence or domicile in this State. The Secretary of State may exempt from the requirements of this subsection a person who has established to the satisfaction of the Secretary of State that the person is on active duty in the United States Armed Forces, the spouse or child of a person on active duty in the United States Armed Forces or a student enrolled in a university, college or school within the State.

A. Acceptable documentary evidence of a person's residence or domicile in this State must include the applicant's name and the address of the person's residence or domicile in this State. A post office box or other mail drop address is not sufficient. Acceptable documentary evidence includes, but is not limited to:

- (1) A tax return, W-2 form or paycheck stub;
- (2) A utility bill or a letter from a utility company showing application for service;
- (3) A contract to which the applicant is a party; or
- (4) A document issued by a governmental entity. [2007, c. 659, §1 (NEW).]

B. A person who is unable to provide acceptable documentary evidence pursuant to paragraph A may meet the requirements of this subsection by:

- (1) Submitting the affidavits of 2 individuals who have a personal or professional relationship with the person and knowledge of the person and the person's residence or domicile, which may include a shelter, in this State. A single affidavit signed by a parent or guardian of a minor making an application is sufficient for the purposes of this paragraph. The Secretary of State may reject any affidavit the Secretary of State determines to be insufficient to meet the requirements of this subsection. The affidavit is a sworn statement and a false statement by the affiant constitutes false swearing, which is a violation of Title 17-A, section 452. The Secretary of State shall provide forms for the completion of affidavits. These forms must state: "By signing this statement I verify that the representations herein are true. By making false statements on this document, I realize I am committing a Class D crime punishable under Maine law."; or
- (2) By taking an oath or affirmation before the Secretary of State swearing to the person's residence or domicile, which may include a shelter. [2007, c. 659, §1 (NEW).]

An applicant who supplies false information pursuant to this subsection makes a material misstatement of fact described in section 2103 and is subject to the penalties under that section.

[ 2007, c. 659, §1 (NEW) .]

**12. Selective service registration.** Before issuing or renewing a driver's license to a male United States citizen or immigrant who is at least 18 years of age and under 26 years of age, the Secretary of State shall provide the applicant with a short statement on the requirements of the federal Military Selective Service Act, 50 United States Code, Section 453 and a federal Military Selective Service registration form. If an applicant consents to register with the federal Selective Service System pursuant to this subsection, the Secretary of State shall forward the necessary information of the applicant to the federal Selective Service System.

[ 2011, c. 170, §1 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 437, §30 (AMD). 1997, c. 537, §59 (AMD). 1997, c. 537, §62 (AFF). 2001, c. 159, §1 (AMD). 2001, c. 671, §24 (AMD). RR 2003, c. 1, §28 (COR). 2003, c. 394, §2 (AMD). 2003, c. 394, §6 (AFF). 2003, c. 397, §4 (AMD). 2005, c. 250, §§1,2 (AMD). 2005, c. 469, §1 (AMD). 2007, c. 648, §1 (AMD). 2007, c. 659, §1 (AMD). 2009, c. 55, §3 (AMD). 2011, c. 149, §4 (AMD). 2011, c. 170, §1 (AMD). 2013, c. 163, §1 (AMD). 2013, c. 381, Pt. B, §15 (AMD).

## §1302. MINORS

**1. Authorization.** The Secretary of State may not accept the application for a license of a minor unless the application is:

A. Signed by a parent or guardian; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Signed by the spouse of the minor, provided the spouse is 18 years of age or older; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. When the minor has no parent, guardian or spouse who has attained the age of 18 years of age, signed by the employer of the minor if that employer is 18 years of age or older; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Accompanied by an attested copy of a court order of emancipation under Title 15, section 3506-A. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Suspension.** If a person who has signed the application files with the Secretary of State a notarized written request that the license be suspended, the Secretary of State shall, pursuant to chapter 23, suspend the license without hearing. A suspension under this section may not be construed against the minor in any manner.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

### §1303. VISION TEST REQUIREMENTS

**1. Test requirement.** A person must pass the vision portion of a license examination:

A. At the time of the first license renewal after attaining 40 years of age; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. At every 2nd license renewal after the renewal in paragraph A until attaining 62 years of age; and [1995, c. 482, Pt. A, §22 (AMD).]

C. At every license renewal after attaining 62 years of age. [1995, c. 482, Pt. A, §22 (AMD).]

[ 1995, c. 482, Pt. A, §22 (AMD) .]

**2. Exceptions.** In lieu of a test, a person may submit:

A. An acceptable certificate signed by a doctor, optometrist, registered nurse or other person approved by the Secretary of State, setting forth the person's visual acuity in each eye, both eyes combined and field of vision. The certificate must indicate that it is based on an examination completed within one year of the date of application; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Satisfactory evidence of a valid Interstate Commerce Commission driver's license issued within the past year. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §A22 (AMD).

## §1304. LEARNER'S PERMITS

**1. Learner's permits.** The following provisions apply to learner's permits.

A. A person who is 15 years of age or older may apply for a learner's permit, except that a person who is 15 years of age or older and has not attained 18 years of age must complete a course in driver education before applying for a learner's permit. [2013, c. 381, Pt. B, §16 (AMD).]

B. After an applicant has successfully passed all parts of an examination other than the driving test, the Secretary of State may issue a learner's permit. [2013, c. 381, Pt. B, §16 (AMD).]

C. The learner's permit entitles the permittee to drive a motor vehicle on the public ways. The permittee must have the learner's permit in immediate possession while driving on the public ways. [2013, c. 381, Pt. B, §16 (AMD).]

D. The learner's permit is valid for a period of 2 years. [2013, c. 381, Pt. B, §16 (AMD).]

E. Unless the permittee is operating a motorcycle or moped, the learner's permit requires the permittee to be accompanied by a licensed operator who:

- (1) Has held a valid license for at least 2 years;
- (2) Is at least 20 years of age;
- (3) Is occupying a seat beside the driver; and
- (4) Is licensed to operate the class vehicle operated by the permittee.

The accompanying operator must adhere to all restrictions applied to the license when functioning as the permittee's accompanying operator. [2013, c. 381, Pt. B, §16 (AMD).]

F. The Secretary of State may issue a restricted learner's permit to an applicant who is enrolled in a driver education program that includes practice driving. That permit is valid:

- (1) For a school year or other specified period; and
- (2) Only when the permittee is accompanied by a driver education teacher or a commercial driver education instructor, licensed by the Secretary of State under subchapter 3.

An applicant with a physical, mental or emotional condition that impairs the safe operation of a motor vehicle may operate on a restricted learner's permit without being enrolled in a driver education program for the purpose of an initial behind-the-wheel assessment. The driver education teacher or commercial driver education instructor must be licensed as an occupational or physical therapist with the Department of Professional and Financial Regulation. [2013, c. 381, Pt. B, §16 (AMD).]

G. [1997, c. 737, §22 (AFF); 1997, c. 737, §4 (RP).]

H. A person under 21 years of age may not apply for a license unless:

- (1) A period of 6 months has passed from the date the person was issued a learner's permit; and
- (2) The person has completed a minimum of 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. The parent, stepparent or guardian, or a spouse or employer pursuant to section 1302, subsection 1, paragraphs B and C, must certify the person's driving time on a form prescribed by the Secretary of State. A parent, stepparent, guardian, spouse or employer who certifies a driving log pursuant to this subsection and was not the licensed driver accompanying the applicant must provide the name and address of the licensed driver who accompanied the applicant for the majority of the 70 hours of driving. The Secretary of State may complete the certification for an applicant at least 18 years of age and who has no parent, stepparent, guardian, spouse or employer if the applicant provides the name and address of the licensed driver who accompanied the applicant for the majority of the 70 hours of driving.

A person 21 years of age or older is not required to submit certification of driving time to the Secretary of State. [2013, c. 496, §13 (AMD).]

I. A person who has been issued a learner's permit may not operate a motor vehicle while using a handheld electronic device or mobile telephone. For the purpose of this paragraph, the following terms have the following meanings.

- (1) "Handheld electronic device" means any handheld electronic device that is not part of the operating equipment of the motor vehicle, including but not limited to an electronic game, device for sending or receiving electronic mail, text messaging device or computer.
- (2) "Mobile telephone" means a device used to access a wireless telephone service.
- (3) "Operate" means driving a motor vehicle on a public way with the motor running, including while temporarily stationary because of traffic, a traffic light or a stop sign or otherwise stationary. "Operate" does not include operating a motor vehicle with or without the motor running when the operator has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.
- (4) "Using" means manipulating, talking into or otherwise interacting with a mobile telephone or handheld electronic device.

A person who violates this paragraph commits a traffic infraction. [2015, c. 113, §1 (AMD).]

[2015, c. 113, §1 (AMD).]

**1-A. Learner's permit; issuance.** The following provisions apply to the issuance of a learner's permit.

A. Fees for a learner's permit may be collected only by the Secretary of State in accordance with section 154, subsection 1. [2013, c. 493, §1 (NEW).]

B. Any required application materials for a learner's permit may be collected only by the Secretary of State. [2013, c. 493, §1 (NEW).]

C. Any required examination for a learner's permit may be administered only by the Secretary of State except that the Secretary of State may waive this requirement on receipt of a course completion certificate under section 1351, subsection 3. [2015, c. 114, §1 (AMD).]

D. A learner's permit may be issued only by the Secretary of State. [2013, c. 493, §1 (NEW).]

[2015, c. 114, §1 (AMD).]

**2. Motorcycle and moped.** The following provisions apply to learner's permits for the operation of motorcycles or mopeds.

A. A person must be at least 16 years of age to apply for a motorcycle or moped learner's permit. [2013, c. 381, Pt. B, §16 (AMD).]

B. An applicant must pass a vision test and a knowledge test related specifically to the safe operation of a motorcycle or moped. [2005, c. 577, §19 (AMD).]

C. An applicant for a motorcycle permit must complete a motorcycle driver education program as required by section 1352. [2005, c. 577, §19 (AMD).]

D. A learner's permit is valid for 2 years. [2013, c. 381, Pt. B, §16 (AMD).]

E. If the holder of a learner's permit fails to complete the driving test within 2 years from the date of issuance of a learner's permit the holder must retake the motorcycle driver education program for a subsequent learner's permit to be issued. [2015, c. 473, §14 (AMD).]

F. [1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §12 (RP); 1995, c. 65, Pt. C, §15 (AFF).]

G. A learner's permit does not allow the holder to carry a passenger. [2013, c. 381, Pt. B, §16 (AMD).]

H. The fee for a motorcycle or moped learner's permit and the first road test is \$10. The fee for a subsequent examination is \$5. [2013, c. 381, Pt. B, §16 (AMD).]

[ 2015, c. 473, §14 (AMD) .]

### 3. Bus.

[ 2013, c. 381, Pt. B, §16 (AMD); T. 29-A, §1304, sub-§3 (RP) .]

### 4. School bus.

[ 2013, c. 381, Pt. B, §16 (AMD); T. 29-A, §1304, sub-§4 (RP) .]

**4-A. Commercial learner's permit.** The following provisions apply to commercial learner's permits.

A. The commercial learner's permit holder must be at all times accompanied in a commercial motor vehicle of the class sought for licensed operation by the holder of a valid commercial driver's license with the commercial driver's license class and endorsements necessary to operate the commercial motor vehicle. The commercial driver's license holder shall at all times be physically present in the front seat of the vehicle next to the commercial learner's permit holder or, in the case of a passenger vehicle, directly behind or in the first row behind the driver. [2013, c. 381, Pt. B, §16 (NEW).]

B. The commercial learner's permit holder must hold a valid driver's license issued by the same state or jurisdiction of domicile that issued the commercial learner's permit. [2013, c. 381, Pt. B, §16 (NEW) .]

C. The commercial learner's permit holder must have taken and passed a general knowledge test for the commercial motor vehicle class that the person expects to operate. [2013, c. 381, Pt. B, §16 (NEW) .]

D. [2015, c. 46, §1 (RP) .]

E. A commercial learner's permit holder is limited to the following endorsements.

(1) In order to receive a passenger endorsement, in accordance with the requirements of the federal Commercial Motor Vehicle Safety Act of 1986, a commercial learner's permit holder must have taken and passed the passenger endorsement knowledge test. A commercial learner's permit holder testing for a passenger endorsement is prohibited from operating a commercial motor vehicle carrying passengers other than the test examiners and the commercial driver's license holder accompanying the commercial learner's permit holder pursuant to paragraph A. The passenger endorsement must be specific to a commercial motor vehicle class. A commercial learner's permit holder must be at least 21 years of age to apply. The commercial learner's permit holder must be accompanied by a commercial driver's license holder with a passenger endorsement who has at least one year of driving experience and is at least 22 years of age.

(2) In order to receive a school bus endorsement, in accordance with the requirements of the federal Commercial Motor Vehicle Safety Act of 1986, a commercial learner's permit holder must have taken and passed the school bus endorsement knowledge test. A commercial learner's permit holder testing for a school bus endorsement is prohibited from operating a school bus with passengers other than test examiners and the commercial driver's license holder accompanying the commercial learner's permit holder pursuant to paragraph A. A commercial learner's permit holder must be at least 21 years of age to apply. The commercial learner's permit holder must be accompanied by a commercial driver's license holder with a passenger endorsement who has at least one year of driving experience and is at least 22 years of age.

(3) In order to receive a tank vehicle endorsement, in accordance with the requirements of the federal Commercial Motor Vehicle Safety Act of 1986, a commercial learner's permit holder must have taken and passed the tank vehicle endorsement knowledge test. A commercial learner's



permit holder testing for a tank vehicle endorsement may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous materials that has not been purged of any residue. [2013, c. 381, Pt. B, §16 (NEW).]

F. The commercial learner's permit holder may not operate a commercial motor vehicle transporting hazardous materials as defined in 49 Code of Federal Regulations, Section 383.5. [2013, c. 381, Pt. B, §16 (NEW).]

G. The commercial learner's permit is valid for no more than 180 days from the date of issuance. The Secretary of State may renew the commercial learner's permit for an additional 180 days without requiring the commercial learner's permit holder to retake the general and endorsement knowledge tests. [2013, c. 381, Pt. B, §16 (NEW).]

H. The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver's license. The issuance of a commercial learner's permit is a precondition to the upgrade of a commercial driver's license if the upgrade requires a skills test. [2013, c. 381, Pt. B, §16 (NEW).]

I. The commercial learner's permit holder is not eligible to take the commercial driver's license skills test in the first 14 days after the initial issuance of the commercial learner's permit. [2013, c. 381, Pt. B, §16 (NEW).]

This subsection takes effect July 8, 2015.

[ 2015, c. 46, §1 (AMD) .]

**5. Expiration.** Unless continuation is authorized by the Secretary of State, a learner's permit expires when the holder successfully passes a driving examination. An expired permit must immediately be surrendered to the Secretary of State.

[ 2013, c. 381, Pt. B, §16 (AMD) .]

**6. Criminal offense.** A person commits a Class E crime if that person accompanies a permittee who is operating a vehicle on a public way and that accompanying person has impaired mental or physical functioning as a result of the use of intoxicating liquor or drugs.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

RR 1993, c. 2, §21 (COR). 1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §§A100,B12, 13 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 402, §A47 (AMD). 1995, c. 505, §11 (AMD). 1995, c. 505, §22 (AFF). 1997, c. 393, §A33 (AMD). 1997, c. 393, §A34 (AFF). 1997, c. 737, §§2-5 (AMD). 1997, c. 737, §22 (AFF). 1997, c. 776, §36 (AMD). 1999, c. 127, §A43 (AMD). 1999, c. 470, §19 (AMD). 1999, c. 545, §1 (AMD). 2001, c. 440, §J1 (AMD). 2001, c. 671, §25 (AMD). 2001, c. 687, §15 (AMD). 2001, c. 710, §13 (AMD). 2001, c. 710, §14 (AFF). 2003, c. 286, §§1,2 (AMD). 2005, c. 577, §§18,19 (AMD). 2007, c. 2, §1 (AMD). 2007, c. 383, §§21,22 (AMD). 2009, c. 43, §1 (AMD). 2011, c. 356, §18 (AMD). 2011, c. 654, §2 (AMD). 2013, c. 77, §1 (AMD). 2013, c. 381, Pt. B, §16 (AMD). 2013, c. 493, §§1, 2 (AMD). 2013, c. 496, §13 (AMD). 2015, c. 46, §1 (AMD). 2015, c. 113, §1 (AMD). 2015, c. 114, §1 (AMD). 2015, c. 473, §14 (AMD).

## §1305. TEMPORARY LICENSES

**1. Issuance of temporary licenses.** The Secretary of State may issue a temporary license to an applicant.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Requirements.** The Secretary of State may require the applicant to:

A. Successfully pass a complete examination; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Hold a valid or recently expired driver's license from another state or country. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Duration.** A temporary license permits the applicant to operate a motor vehicle on a public way for not more than 60 days.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1306. APPLICANT WHO HAS NOT BEEN LICENSED WITHIN PAST 5 YEARS

An applicant for a license who has not been licensed to operate a motor vehicle in this State or in another jurisdiction within the past 5 years must successfully pass a complete examination consisting of a vision, written and road test. [2003, c. 434, §37 (AFF); 2003, c. 434, §17 (RPR).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 437, §31 (AMD). 2001, c. 361, §28 (AMD). 2003, c. 434, §37 (AFF). 2003, c. 434, §17 (RPR).

## §1307. EXAMINATION FEES

An applicant required to take an examination shall pay an examination fee to the Secretary of State prior to administration of the examination as follows. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Class A, Class B or Class C commercial driver's license.** The examination fee for a Class A, Class B or Class C commercial driver's license is \$35, which includes the first road test. A reexamination is \$15.

[ 2013, c. 381, Pt. B, §17 (AMD) .]

**2. Class C noncommercial license.** The examination fee for a Class C noncommercial license is \$10, which includes the first road test. A reexamination is \$5.

[ 2013, c. 381, Pt. B, §17 (AMD) .]

**3. Examination fee for endorsements.** The examination fee for a double or triple trailer, bus, tank vehicle, hazardous materials endorsement or the renewal of a hazardous materials endorsement is \$10. A reexamination is \$5.

[ 2013, c. 381, Pt. B, §17 (AMD) .]

**4. Cancellation of examination appointment.** If an examination requires an appointment and the applicant does not keep that appointment, the Secretary of State shall assess an additional \$30 fee for a Class A, Class B or Class C commercial examination and \$20 for a bus, school bus or Class C noncommercial examination at the time of reappointment for examination. If the applicant notifies the Department of the Secretary of State, Bureau of Motor Vehicles, Driver Examination Section of cancellation at least 48 hours prior to the examination, the Secretary of State shall waive the additional fee.

[ 2015, c. 206, §6 (AMD) .]

**5. Exception.** A person required to take an examination pursuant to section 1309, subsection 1 is not required to pay an examination or cancellation fee.

[ 2013, c. 381, Pt. B, §17 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §A23 (AMD). 1997, c. 437, §32 (AMD). 2003, c. 434, §18 (AMD). 2003, c. 434, §37 (AFF). 2013, c. 381, Pt. B, §17 (AMD). 2015, c. 206, §6 (AMD).

### §1308. REEXAMINATION OF ACCIDENT-PRONE DRIVER

**1. Definition.** For purposes of this section, an "accident-prone driver" means an operator of a motor vehicle who has contributed to the cause of 3 or more accidents within a period of 3 consecutive years.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Examination.** An accident-prone driver, after notice and hearing, may be required to pass an operator's examination or submit to other instruction to improve driving as prescribed by the Secretary of State to retain a license.

[ 1997, c. 776, §37 (AMD) .]

**3. Evidence.** A determination that an individual is accident-prone is not admissible in evidence in a civil action arising out of an accident.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Suspension.** This section does not limit the authority of the Secretary of State to suspend a license.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 776, §37 (AMD).

## §1309. REEXAMINATION OF INCOMPETENT OR UNQUALIFIED OPERATORS

**1. Reexamination may be required.** The Secretary of State, having good cause to believe that a licensed operator is incompetent or otherwise not qualified to be licensed, may require, on at least 5 days prior written notice, that operator to submit to an examination.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Suspension of license.** On conclusion of an examination, the Secretary of State may suspend the license of that person or issue a restricted license.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Refusal to submit to examination.** Refusal or neglect of the licensee to submit to an examination is sufficient ground for suspension.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1310. INTERIM LICENSE

*(REPEALED)*

### SECTION HISTORY

1999, c. 674, §2 (NEW). 2001, c. 361, §29 (AMD). 2003, c. 286, §3 (RP).

## §1311. INTERMEDIATE LICENSE

**1. Restricted license.** A person under 18 years of age who has been issued a driver's license may not:

A. Carry passengers other than immediate family members unless accompanied by a licensed operator who meets the requirements of section 1304, subsection 1, paragraph E. For the purpose of this paragraph, "immediate family member" includes the following when living with the immediate family:

- (1) A foreign exchange student;
- (2) A person who is under court-appointed guardianship of an immediate family member; and
- (3) A child whose parent is deployed for military service and is under guardianship of an immediate family member as provided on a United States Department of Defense Armed Forces Family Care Plan, DA Form 5305 or its successor form.

For the purpose of this paragraph, "deployed for military service" means assigned to active military duty with the state military forces, as defined in Title 37-B, section 102, or the United States Armed Forces, including the National Guard and Reserves, whether pursuant to orders of the Governor or the President of the United States, when the duty assignment is in a combat theater, in an area where armed conflict is taking place or in an area away from a person's normal duty station; [ 2011, c. 13, §1 (AMD) .]

B. Operate a motor vehicle between the hours of 12 a.m. and 5 a.m.; or [ 2003, c. 286, §4 (NEW) .]

C. Operate a motor vehicle while using a handheld electronic device or mobile telephone.

For the purpose of this paragraph, the following terms have the following meanings.

- (1) "Handheld electronic device" means any handheld electronic device that is not part of the operating equipment of the motor vehicle, including but not limited to an electronic game, device for sending or receiving electronic mail, text messaging device or computer.

(2) "Mobile telephone" means a device used to access a wireless telephone service.

(3) "Operate" means driving a motor vehicle on a public way with the motor running, including while temporarily stationary because of traffic, a traffic light or a stop sign or otherwise stationary. "Operate" does not include operating a motor vehicle with or without the motor running when the operator has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.

(4) "Using" means manipulating, talking into or otherwise interacting with a mobile telephone or handheld electronic device. [ 2015, c. 113, §2 (AMD). ]

[ 2015, c. 113, §2 (AMD) . ]

**2. Period of restrictions.** Except as provided in section 2116 and subject to extension pursuant to subsection 3, the license restrictions in subsection 1 are in effect for a period of 270 days from license issuance. The period of license restrictions may extend beyond the person's 18th birthday.

[ 2011, c. 654, §3 (AMD) . ]

**3. Extension of restrictions.** A person who is adjudicated for violating this section must have the license restrictions in subsection 1 extended for an additional period of 270 days. The additional period of license restrictions may extend beyond the person's 18th birthday. Any violation of the license restrictions during the period of this extension must result in a further extension of the license restrictions pursuant to this section.

[ 2011, c. 654, §4 (AMD) . ]

**3-A. Restricted license decal.** Before issuing a license under this section, the Secretary of State shall make available to the licensee a set of 2 decals to place in the motor vehicle driven by the licensee that indicates that the driver of the motor vehicle may be a holder of an intermediate license. Notwithstanding section 2082, a motor vehicle operated by a person who has been issued a driver's license under this section may display a set of 2 decals, one located on the rear window and one located in the upper left-hand corner of the front windshield, that indicates that the driver of the motor vehicle may be a holder of an intermediate license under this section. The design of the decal must be approved by the Chief of the State Police in consultation with the Secretary of State. The decals may not be larger than 3 inches by 3 inches and may not be placed in a manner that obstructs the operator's view of the roadway.

The Secretary of State shall begin issuing restricted license decals in accordance with this subsection no later than October 1, 2015.

[ 2015, c. 113, §3 (NEW) . ]

**4. Penalty.** A person who violates this section commits a traffic infraction for which a fine of not less than \$250 and not more than \$500 may be adjudged.

[ 2011, c. 654, §5 (AMD) . ]

**5. Suspension of license.** The Secretary of State shall suspend without right to a hearing the license of a person adjudicated for violating this section:

A. For 60 days on the first offense; [ 2011, c. 654, §6 (NEW) . ]

B. For 180 days on the 2nd offense; and [ 2011, c. 654, §6 (NEW) . ]

C. For one year on the 3rd or subsequent offense. [2011, c. 654, §6 (NEW).]

[2011, c. 654, §6 (NEW) .]

#### SECTION HISTORY

2003, c. 286, §4 (NEW). 2009, c. 10, §1 (AMD). 2011, c. 13, §1 (AMD).  
2011, c. 556, §9 (AMD). 2011, c. 654, §§3-6 (AMD). 2015, c. 113, §§2, 3  
(AMD).

## §1312. MAINE ORGAN AND TISSUE DONATION FUND VOLUNTARY CHECKOFF

**1. Maine Organ and Tissue Donation Fund.** When applying for or renewing a license under this subchapter, a person may designate that a \$2 donation be paid into the Maine Organ and Tissue Donation Fund established in section 1402-B, subsection 4. A person who designates a \$2 donation under this subsection shall include with the person's license application or renewal fee sufficient funds to make the contribution. Each license application form under section 1301, subsection 1 and license renewal form under section 1406-A must contain a designation in substantially the following form: "Maine Organ and Tissue Donation Fund donation: ( ) \$2 or ( ) Other \$... ."

[2013, c. 588, Pt. A, §37 (AMD) .]

**2. Contributions credited to Maine Organ and Tissue Donation Fund.** The Secretary of State shall determine annually the total amount contributed pursuant to subsection 1. Prior to the beginning of the next year, the Secretary of State shall deduct the cost of administering the Maine Organ and Tissue Donation Fund checkoff and report the remainder to the Treasurer of State, who shall forward that amount to the Maine Organ and Tissue Donation Fund.

[2013, c. 127, §1 (NEW); 2013, c. 127, §5 (AFF) .]

#### SECTION HISTORY

2013, c. 127, §1 (NEW). 2013, c. 127, §5 (AFF). 2013, c. 588, Pt. A,  
§37 (AMD).

### Subchapter 3: DRIVER EDUCATION

## §1351. DRIVER EDUCATION

**1. Driver education required for certain minors.** Except to operate a moped only, a license may not be issued to a person under 18 years of age unless that person presents a certificate of successful completion of an approved driver education course and examination. The requirement of completion of an approved driver education course may be waived for a person who holds a valid driver's license from another jurisdiction.

[1999, c. 470, §20 (AMD) .]

**2. Approved course.** An approved driver education course is a course given by a:

A. Public secondary school; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. Private secondary school approved for attendance purposes by the Commissioner of Education; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

C. Career and technical education center or a career and technical education region; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 2003, c. 545, §5 (REV).]

D. Person licensed by the Secretary of State. [1997, c. 393, Pt. A, §37 (AFF); 1997, c. 393, Pt. A, §35 (RPR).]

[1997, c. 393, Pt. A, §35 (AMD); 1997, c. 393, Pt. A, §37 (AFF); 2003, c. 545, §5 (REV).]

**3. Certificate.** A successful course completion certificate may be issued if the course meets the standards adopted by the Secretary of State. A certificate may not be issued to a person who was not at least 15 years of age when beginning the course.

[1997, c. 393, Pt. A, §37 (AFF); 1997, c. 393, Pt. A, §36 (RPR).]

**4. Requirements.** A driver education course approved under this subchapter must include instruction that imparts the understanding and skills necessary to operate a motor vehicle safely in a situation in which a motorcycle or vulnerable user is sharing the road with that motor vehicle.

[2015, c. 164, §2 (RPR).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 402, §A47 (AMD). 1995, c. 505, §§12,13 (AMD). 1995, c. 505, §22 (AFF). 1997, c. 393, §§A35,36 (AMD). 1997, c. 393, §A37 (AFF). 1997, c. 737, §6 (AMD). 1999, c. 470, §20 (AMD). 2003, c. 183, §1 (AMD). 2003, c. 545, §5 (REV). 2015, c. 164, §2 (AMD).

## §1352. MOTORCYCLE DRIVER EDUCATION

**1. Motorcycle driver education required.** Notwithstanding any other provision of law, a motorcycle learner's permit, license or endorsement may not be issued to a person, unless that person presents a certificate of successful completion of a motorcycle driver education program and examination approved by the Secretary of State.

[2013, c. 381, Pt. B, §18 (AMD).]

**2. Education program.** The following provisions apply to motorcycle driver education programs.

A. A motorcycle driver education program must consist of classroom and hands-on instruction directly related to the actual operation of motorcycles, emphasizing safety measures designed to ensure greater awareness of careful and skillful operation of motorcycles. [2015, c. 473, §15 (AMD).]

B. The program may be offered by a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education, a career and technical education center or career and technical education region or adult education program conducted under Title 20-A, chapter 316. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 2003, c. 545, §5 (REV).]

C. A motorcycle program offered independently of an approved driver education course may not be offered for credit toward a high school diploma. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. [2015, c. 473, §16 (RP).]

E. The Secretary of State must approve a motorcycle driver education program. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2015, c. 473, §§15, 16 (AMD) .]

**3. Instructors.** The following provisions apply to the certification of instructors.

A. A person may not conduct a motorcycle driver education program unless certified by the Secretary of State as a qualified instructor. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The Secretary of State shall:

(1) Conduct, or authorize other qualified persons to conduct, certification courses; and

(2) Establish reasonable qualification standards and requirements for certification. The requirements must include a provision to demonstrate proficiency in operating a motorcycle. [1997, c. 776, §38 (AMD).]

C. [1995, c. 505, §22 (AFF); 1995, c. 505, §14 (RP).]

[ 1997, c. 776, §38 (AMD) .]

**4. Instructor availability.** When a certified instructor is not available in a geographic area, the Secretary of State may assign a qualified instructor for the program subject to the following provisions.

A. The requesting authority must ensure a minimum class size of 6 students. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The Secretary of State shall charge a program fee comparable to other motorcycle driver education programs. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. An instructor is not a "teacher" within the meaning of Title 5, section 17001, subsection 42 or Title 20-A. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Completion certificates.** An instructor shall issue a completion certificate to a student who has successfully completed the course.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Waiver of examination.** The Secretary of State may waive the required:

A. Written examination on receipt of a completion certificate; and [1999, c. 470, §21 (NEW) .]

B. Road examination for the holder of a valid motor vehicle operator's license on receipt of a certificate demonstrating successful completion of a novice rider course approved by the Secretary of State. An endorsement issued pursuant to this paragraph prohibits the holder from carrying a passenger for a period of 60 days following the date of issuance of the endorsement. [2013, c. 381, Pt. B, §19 (AMD) .]

[ 2013, c. 381, Pt. B, §19 (AMD) .]



**7. Suspension and revocation.** The Secretary of State may suspend, revoke or deny a certificate of completion or an instructor's certificate for just cause in accordance with the Maine Administrative Procedure Act.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §B14 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 505, §14 (AMD). 1995, c. 505, §22 (AFF). 1997, c. 776, §38 (AMD). 1999, c. 470, §21 (AMD). 2001, c. 671, §26 (AMD). 2003, c. 545, §5 (REV). 2005, c. 411, §1 (AMD). 2005, c. 577, §§20,21 (AMD). 2007, c. 383, §23 (AMD). 2013, c. 381, Pt. B, §§18, 19 (AMD). 2015, c. 473, §§15, 16 (AMD).

### §1353. FEES

The annual fee for instructor certification is \$100. The annual fee for inspection of a motorcycle education classroom is \$50. The fee for inspection of a motorcycle driving range is \$50. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

### §1354. DRIVER EDUCATION PROGRAMS

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Applicant," as applied to a firm, partnership or association, includes the members of the firm, partnership or association and, as applied to a corporation, includes the officers and directors of the corporation. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

B. "Commercial driver education school" means a person engaged in teaching driver education for remuneration. Commercial driver education school does not include a noncommercial driver education school as defined in paragraph G. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

C. "Driver education" means any type of instruction or tutoring given to a person in preparation to obtain a learner's permit or in preparing for an examination to obtain a driver's license in exchange for remuneration or course credit. [2013, c. 381, Pt. B, §20 (AMD).]

D. "Driver education school" means a commercial driver education school or a noncommercial driver education school. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

E. [2011, c. 556, §10 (RP).]

F. "Instructor" means a person engaged in teaching driver education. [2011, c. 556, §11 (AMD).]

G. "Noncommercial driver education school" means a public secondary school, an approved private secondary school, career and technical education center, career and technical education region or adult education program conducted pursuant to Title 20-A, chapter 315 that offers driver education. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF); 2003, c. 545, §5 (REV).]

H. "Person" means an individual or individuals, firm, partnership, association or corporation. When used in any provision of this chapter that prescribes or imposes a fine or imprisonment, or both, "person," as applied to a corporation, includes the officers of the corporation. A firm, partnership, association or corporation may be subjected, as an entity, to the payment of a fine. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

[ 2013, c. 381, Pt. B, §20 (AMD) .]

**2. Licenses required.** A person may not operate a driver education school, conduct driver education or act as an instructor unless licensed by the Secretary of State.

A. A Class A driver education school license may be issued to a driver education school that employs Class A or Class B instructors and that is authorized to teach both the classroom and behind-the-wheel phases of driver education. [2011, c. 556, §12 (AMD).]

B. A Class A instructor license authorizes the holder to teach both the classroom and behind-the-wheel phases of driver education as an employee or affiliate of a licensed driver education school. [2011, c. 556, §12 (AMD).]

C. A Class B instructor license authorizes the holder to teach only the behind-the-wheel phase of driver education as an employee or affiliate of a licensed driver education school. [2011, c. 556, §12 (AMD).]

[ 2011, c. 556, §12 (AMD) .]

**3. Commercial driver education school license requirements.** With assistance from the Technical Review Panel established in subsection 6, the Secretary of State shall adopt rules governing the curriculum, facilities, operations, including record-keeping requirements, and issuance and renewal of licenses for noncommercial driver education schools and commercial driver education schools and instructors.

A. The Secretary of State may not issue a license for a driver education school until the applicant has filed with the Secretary of State a certificate showing that the applicant is covered by an automobile bodily injury and property damage liability insurance policy insuring against any legal liability in accordance with the terms of the policy for personal injury or death of any one person in the sum of \$100,000 and for any number of persons in the sum of \$300,000 and against property damage in the sum of \$100,000 arising from the operation of any vehicle being used in a commercial driver education school. In lieu of that insurance, the applicant may file with the Secretary of State a bond or bonds issued by a surety company authorized to do business in the State in the amount of at least \$100,000 on account of injury to or death of one person and subject to such limits as respects injury to or death of one person, of at least \$300,000 on account of any one accident resulting in injury to or death of more than one person and of at least \$100,000 for damage to property of others. Failure to comply with this subsection is grounds for suspension or revocation of a driver education school license. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

B. A vehicle used as a training vehicle must be maintained in safe mechanical condition at all times. Each vehicle must be equipped with dual-control foot brakes and, if the vehicle is not equipped with an automatic transmission, dual-control clutch pedals. While being used in actual instruction, a vehicle must be equipped with an identification sign listing the name of the school and a student driver sign.

The following vehicles are not required to have dual controls and an identification sign listing the name of the school and a student driver sign:

- (1) A vehicle that is being used to instruct a person with a disability and is specially equipped for use by a person with a disability; and

(2) A vehicle that is being used to instruct a person in possession of a valid Maine driver's license or learner's permit when the vehicle is not provided by the driver education school. [2013, c. 381, Pt. B, §21 (AMD).]

[2013, c. 381, Pt. B, §21 (AMD) .]

**4. Instructor license requirements.** With assistance from the Technical Review Panel established in subsection 6, the Secretary of State shall adopt rules governing the issuance and renewal of instructor licenses. In addition to the requirements established by rule, each applicant must meet the following requirements:

- A. The applicant must be at least 21 years of age and have a high school diploma or its equivalent; [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]
- B. The applicant must have at least 4 years of driver experience as a licensed operator; [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]
- C. The applicant may not have had a license revoked pursuant to chapter 23, subchapter 5 within the preceding 6-year period; [2011, c. 556, §14 (AMD).]
- D. The applicant may not have had an OUI as defined in section 2401, subsection 8 within the preceding 6-year period; [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]
- E. The applicant must pass an examination consisting of a knowledge, vision and road test in the type of vehicle for which the license is to be used as prescribed by the Secretary of State; and [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]
- F. The applicant must complete an educational program prescribed by the Secretary of State. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

[2011, c. 556, §14 (AMD) .]

## **5. License fees.**

[T. 29-A, §1354, sub-§5 (RP) .]

**5-A. License fees.** License fees must be paid to the Secretary of State and deposited into the Highway Fund. The following fees apply.

- A. The fee for a driver education school license is \$125. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]
- B. The fee for an instructor license is \$100. [2011, c. 556, §15 (AMD).]
- C. A driver education school license expires one year from the date of issuance. The fee for the renewal of a driver education school license is \$125. An instructor license expires 2 years from the date of issuance. The fee for the renewal of an instructor license is \$100. [2011, c. 556, §15 (AMD).]
- D. A noncommercial driver education school that offers driver education for course credit and does not charge a fee for driver education is exempt from the license fees required in this subsection. An instructor employed by and providing driver education only in a school exempt from license fees in accordance with this paragraph is also exempt from license fees required in this subsection. [2011, c. 556, §15 (AMD).]

[2011, c. 556, §15 (AMD) .]

**6. Secretary of State duties.** The Secretary of State has the following duties.

A. The Secretary of State shall establish the Technical Review Panel that includes representatives from the Department of Education, the Department of Public Safety, law enforcement agencies, the insurance industry and the motor carrier industry and 2 instructors. The Technical Review Panel shall assist the Secretary of State in developing curriculum and instructor training and certification. [2011, c. 556, §16 (AMD).]

B. The Secretary of State shall develop and implement a standardized driver education curriculum that establishes minimum standards for instructional goals and learning objectives. The Secretary of State shall require distribution of information on organ and tissue donation and the possibility of saving lives through organ donation. [2003, c. 394, §3 (AMD); 2003, c. 394, §6 (AFF).]

C. The Secretary of State shall develop and implement training programs for the licensing and relicensing of instructors. [2011, c. 556, §17 (AMD).]

D. The Secretary of State shall monitor classroom and behind-the-wheel instruction for compliance with statutory and regulatory requirements. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

E. The Secretary of State shall develop and implement a system to monitor the driving records of individuals who complete a driver education program to assist in the evaluation of the effectiveness of driver education instruction and curriculum. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

F. The Secretary of State shall inspect driver education schools to review records, facilities, operating procedures, quality of instruction and compliance with statutory and regulatory requirements. [1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF).]

G. The Secretary of State shall investigate written complaints regarding the activities of driver education schools and instructors. [2011, c. 556, §18 (AMD).]

[ 2011, c. 556, §§16-18 (AMD) .]

**7. Penalties.** A person who conducts driver education, operates a driver education school or acts as an instructor without a license is guilty of a Class E crime. The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the District Court or whether criminal proceedings have been or may be instituted.

[ 2011, c. 556, §19 (AMD) .]

**8. Suspension or revocation of license; hearings.** The Secretary of State may suspend, revoke or refuse to issue or renew a driver education school or instructor license for noncompliance with statutory and regulatory requirements. A person refused a license or whose license is suspended or revoked may request a hearing with the Secretary of State. A requested hearing must be conducted pursuant to chapter 23, subchapter 2, article 3.

[ 2011, c. 556, §20 (AMD) .]

**9. Insurance for graduates.** Rating bureaus or independent insurers as recognized by the Superintendent of Insurance may grant an automobile insurance discount for driver education school graduates.

[ 1995, c. 505, §15 (NEW); 1995, c. 505, §22 (AFF) .]

**10. Surety bond.** Except for a noncommercial driver education school exempt from license fees under subsection 5-A, paragraph D, the Secretary of State shall require a driver education school licensed pursuant to subsection 2 to provide a surety bond to guarantee the discharge of the duties required under this subchapter.

[ 2015, c. 473, §17 (AMD) .]

#### SECTION HISTORY

1995, c. 505, §15 (NEW). 1995, c. 505, §22 (AFF). 1995, c. 605, §2 (AMD). 1997, c. 776, §39 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 1999, c. 668, §116 (AMD). 2003, c. 394, §3 (AMD). 2003, c. 394, §6 (AFF). 2003, c. 545, §5 (REV). 2003, c. 652, §B7 (AMD). 2003, c. 652, §B8 (AFF). 2005, c. 411, §2 (AMD). 2011, c. 442, §§1, 2 (AMD). 2011, c. 556, §§10-20 (AMD). 2013, c. 381, Pt. B, §§20, 21 (AMD). 2013, c. 381, Pt. C, §3 (AMD). 2015, c. 473, §17 (AMD).

### **§1355. COLLECTION OF LICENSE FEES**

*(REPEALED)*

#### SECTION HISTORY

1995, c. 505, §16 (NEW). 1995, c. 505, §22 (AFF). 2005, c. 411, §3 (RP).

### **§1356. MOTOR CARRIER TRAINING ADVISORY BOARD**

*(REPEALED)*

#### SECTION HISTORY

1995, c. 605, §3 (NEW). 1999, c. 470, §22 (RP).

### **§1357. ADVANCED DRIVER EDUCATION**

*(REPEALED)*

#### SECTION HISTORY

RR 2005, c. 1, §13 (RAL). 2005, c. 174, §1 (NEW). 2005, c. 411, §4 (NEW). 2005, c. 606, §B3 (AMD). 2013, c. 381, Pt. B, §22 (RP).

### **§1358. COMMUNICATION SERVICES FOR DEAF AND HARD-OF-HEARING PERSONS**

*(REALLOCATED FROM TITLE 29-A, SECTION 1357)*

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "CART" means computer-assisted real-time transcription using specialized equipment to transcribe real-time word-for-word spoken English into written English that can be viewed on a computer screen or projected onto a large screen. [2005, c. 1, §13 (RAL).]

B. "CART provider" means a person who provides CART. [2005, c. 1, §13 (RAL).]

C. "Deaf person" means a person whose sense of hearing is nonfunctional for the purpose of communication and who must depend primarily upon visual communication. [2005, c. 1, §13 (RAL).]

D. "Hard-of-hearing person" means a person who has a hearing loss resulting in a functional loss, but not to the extent that the person must depend primarily upon visual communication. [2005, c. 1, §13 (RAL).]

E. "Licensed interpreter" means a person who provides sign language interpreting services and is licensed under Title 32, section 1524 or section 1524-B. [2005, c. 1, §13 (RAL).]

[ 2005, c. 1, §13 (RAL) .]

**2. Licensed interpreter services or CART required for driver education.** When a deaf or hard-of-hearing person is required to complete a driver education course and examination pursuant to section 1351 or 1352, the Secretary of State shall provide a licensed interpreter or CART provider to allow for completion of the driver education course and examination. Licensed interpreter services or CART provided under this section must be paid for by the Secretary of State.

[ 2005, c. 1, §13 (RAL) .]

#### SECTION HISTORY

RR 2005, c. 1, §13 (RAL).

### Subchapter 4: LICENSE

## §1401. CONTENTS OF LICENSE

**1. Required information.** A license must state, at a minimum, the name, date of birth, place of residence or mailing address if different from the residence, of the licensee and the permanent number assigned to that licensee. A name displayed on a license must be as the name appears on a birth certificate or a court order or as the result of marriage.

[ 1995, c. 482, Pt. A, §24 (AMD) .]

**2. Photograph or digital image.** A license, except for a temporary license, must bear a full-face color photograph or digital image of the licensee. The following are exempt from the photographic or digital image requirement:

A. [2003, c. 434, §37 (AFF); 2003, c. 434, §19 (RP).]

B. A person in active military service stationed outside the State; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Another person approved by the Secretary of State. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2003, c. 434, §19 (AMD); 2003, c. 434, §37 (AFF) .]

**3. Signature.** A licensee's signature must appear in the place designated. The signature must be the same as the name displayed on the license. A license is not valid until signed.

[ 1995, c. 645, Pt. A, §14 (AMD) .]

#### 4. Fee.

[ 2003, c. 434, §37 (AFF); 2003, c. 434, §20 (RP) .]

#### 5. Record.

[ 1999, c. 470, §23 (RP) .]

**6. Storage, recording, retention and distribution of digital images and digitized signatures.** Digital images and digitized signatures used to produce a license are confidential and may be distributed only for use by a law enforcement agency in carrying out its functions or as otherwise authorized under the provisions of 18 United States Code, Section 2721. The Secretary of State may store, record and retain digital images and digitized signatures used only for the purpose of producing a license. A violation of this subsection is a violation of section 2103, subsection 4.

[ 2011, c. 149, §5 (RPR) .]

**7. Graphic design.** The graphic design used on the license may not be reproduced, copied or distributed without the written consent of the Secretary of State. A violation of this subsection is a violation of section 2103, subsection 4.

[ 1999, c. 470, §24 (NEW) .]

**8. Security components.** The security components contained on the license may not be reproduced, copied or distributed without the written consent of the Secretary of State. A violation of this subsection is a violation of section 2103, subsection 4.

[ 1999, c. 470, §24 (NEW) .]

**9. Use of biometric technology.** The Secretary of State may not use biometric technology, including, but not limited to, retinal scanning, facial recognition or fingerprint technology, to produce a license or nondriver identification card. This subsection does not apply to digital images.

[ 2011, c. 149, §6 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §B15 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 482, §A24 (AMD). 1995, c. 645, §A14 (AMD). 1997, c. 437, §§33-35 (AMD). 1999, c. 470, §§23,24 (AMD). 2003, c. 434, §§19,20 (AMD). 2003, c. 434, §37 (AFF). 2011, c. 149, §§5, 6 (AMD).

## §1402. ANATOMICAL GIFTS

*(REPEALED)*

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 32, §3 (RP).

## §1402-A. ANATOMICAL GIFTS

### 1. Statement on anatomical gifts.

[ 2007, c. 601, §9 (AFF); 2007, c. 601, §3 (RP) .]

**1-A. Anatomical gifts.** A licensee or, beginning January 1, 2010, a nondriver identification card holder under section 1410 may make an anatomical gift under Title 22, chapter 710-B during the process of obtaining and renewing a license or nondriver identification card. After January 1, 2010, a licensee or nondriver identification card holder may make an anatomical gift in the periods between license and nondriver identification card renewals by requesting that the licensee or nondriver identification card holder be included in or eliminated from the Maine Organ Donor Registry.

[ 2007, c. 601, §4 (NEW); 2007, c. 601, §9 (AFF) .]

**2. Organ donor decal, code or notation.**

[ 2007, c. 601, §9 (AFF); 2007, c. 601, §5 (RP) .]

**2-A. Organ and tissue donor notation.** The Secretary of State shall print the license or nondriver identification card with a distinctive code or notation indicating the licensee's or card holder's inclusion in the Maine Organ Donor Registry.

[ 2007, c. 601, §6 (NEW); 2007, c. 601, §9 (AFF) .]

**3. Information on organ and tissue donation.** The Secretary of State shall make available information on organ and tissue donation to license applicants and holders. The Secretary of State shall also make information on organ and tissue donation available in offices of the Bureau of Motor Vehicles.

[ 1997, c. 233, §1 (NEW) .]

**4. Anatomical gift coordination.** In order to coordinate the donation of anatomical gifts and the receipt and transplantation of organs and tissues, beginning July 1, 2004, the Secretary of State shall perform the following duties.

A. The Secretary of State shall modify its existing database system to maintain the Maine Organ Donor Registry, referred to in this section as "the registry." The Secretary of State shall include information on donors who indicate their intention to donate through the Office of the Secretary of State. [ 2003, c. 394, §4 (NEW); 2003, c. 394, §6 (AFF) .]

B. [ 2011, c. 168, §2 (RP) .]

C. Information maintained in the registry must be made available through a secure site on the Internet, designed to guard donor and family privacy, to federally designated organ procurement organizations as necessary for the coordination of receipt of anatomical gifts and coordination of transplantation of organs and tissues. [ 2003, c. 394, §4 (NEW); 2003, c. 394, §6 (AFF) .]

D. [ 2011, c. 168, §3 (RP) .]

E. Notwithstanding Title 22, section 1711-C and any other provision of law to the contrary, a health care provider licensed in this State to provide primary health care shall provide information to a federally designated organ procurement organization regarding a patient who has indicated a willingness to become an organ donor under this section, Title 18-A, Article 5, Part 8 or Title 22, chapter 710-B if such information is provided in accordance with professional standards applicable to organ donation. [ 2007, c. 601, §7 (AMD); 2007, c. 601, §9 (AFF) .]

[ 2011, c. 168, §§2, 3 (AMD) .]

**5. Effect.** An expression of willingness to make an anatomical gift under this section has the same effect as a designation under Title 18-A, Article 5, Part 8 or Title 22, chapter 710-B. Revocation or suspension of the right to drive under this chapter does not affect the expressed willingness of a person to make an anatomical gift under this section.

[ 2007, c. 601, §8 (AMD); 2007, c. 601, §9 (AFF) .]

**SECTION HISTORY**

1995, c. 32, §4 (NEW). 1997, c. 233, §1 (AMD). 1997, c. 437, §36 (AMD). 2003, c. 394, §4 (AMD). 2003, c. 394, §6 (AFF). 2005, c. 208, §3 (AMD). 2007, c. 601, §§3-8 (AMD). 2007, c. 601, §9 (AFF). 2011, c. 168, §§2, 3 (AMD).



## §1402-B. ORGAN DONATION ADVISORY COUNCIL

**1. Appointment; composition; term; compensation.** The Organ Donation Advisory Council, established by Title 5, section 12004-I, subsection 36-E, referred to in this section as "the council," consists of 10 members as follows:

- A. The Secretary of State or the secretary's designee; [2011, c. 168, §4 (NEW).]
- B. The Commissioner of Health and Human Services or the commissioner's designee; [2011, c. 168, §4 (NEW).]
- C. A representative of the Department of the Secretary of State, Bureau of Motor Vehicles, appointed by the Secretary of State; [2011, c. 168, §4 (NEW).]
- D. The president of a statewide medical society, appointed by the President of the Senate; [2011, c. 168, §4 (NEW).]
- E. A representative of a federally designated organ procurement organization serving the State, appointed by the Speaker of the House of Representatives; [2011, c. 168, §4 (NEW).]
- F. Three members of the public with experience in the field of organ and tissue donation or transplantation, at least one of whom must be a recipient of a donated organ or tissue and at least one of whom must be a donor or a family member of a donor, appointed by the President of the Senate; and [2011, c. 168, §4 (NEW).]
- G. Two members of the public with experience in the field of organ and tissue donation or transplantation, at least one of whom must be a doctor experienced in organ and tissue transplantation, appointed by the Speaker of the House of Representatives. [2011, c. 168, §4 (NEW).]

All appointed members are appointed for a term of 3 years. A vacancy must be filled in the same manner as the position was originally filled for the unexpired portion of the term. An appointed member may not serve for more than 2 consecutive terms. Appointed members serve until their successors are appointed. Members serve without compensation.

[2011, c. 168, §4 (NEW).]

**2. Meetings; reports.** The council shall meet at least 4 times a year and convene special meetings at the call of the chair, a majority of the members of the council or the Secretary of State. The members of the council shall elect a chair, except that the Secretary of State may not be chair. The council shall make an annual report to the Governor that must include an account of all actions taken to further organ and tissue donation and file a copy of the report to the Secretary of State, the Secretary of the Senate and the Clerk of the House of Representatives.

[2011, c. 168, §4 (NEW).]

**3. Duties.** The council shall:

- A. Assist the Secretary of State in coordinating the efforts of all public and private agencies within the State concerned with the donation and transplantation of organs and tissues; [2011, c. 168, §4 (NEW).]
- B. Advise the Secretary of State on policy and priorities of need in the State for a comprehensive program relating to organ and tissue donation and transplantation; [2011, c. 168, §4 (NEW).]
- C. Assist the Secretary of State in developing strategies to increase donations that the council may find effective; [2013, c. 127, §2 (AMD); 2013, c. 127, §5 (AFF).]
- D. Establish numerical goals for increasing organ and tissue donation rates in the State, to include a baseline account of current organ and tissue donation rates, as well as periodic benchmarks for success. The bureau may provide monthly donor designation rates for each branch office of the bureau to assist in identifying goals; and [2013, c. 127, §2 (AMD); 2013, c. 127, §5 (AFF).]

E. Administer the Maine Organ and Tissue Donation Fund established in subsection 4. [2013, c. 127, §3 (NEW); 2013, c. 127, §5 (AFF).]

[ 2013, c. 127, §§2, 3 (AMD); 2013, c. 127, §5 (AFF) .]

**4. Maine Organ and Tissue Donation Fund.** The Maine Organ and Tissue Donation Fund, referred to in this subsection as "the fund," is established as an interest-bearing account administered by the council for the purpose of facilitating the education and registration of residents of the State in organ donation. Any private or public funds appropriated, allocated, dedicated or donated to the fund, including from the Maine Organ and Tissue Donation Fund checkoff under section 1312, must be deposited into the fund as well as income from any other source directed to the fund. All interest earned by the fund becomes part of the fund. Any balance remaining in the fund at the end of the fiscal year does not lapse but is carried forward into subsequent fiscal years. All money received into the fund must be used for the purposes of the fund except that balances in the fund may be used for the necessary expenses of the council in the administration of the fund.

[ 2013, c. 127, §4 (NEW); 2013, c. 127, §5 (AFF) .]

#### SECTION HISTORY

2011, c. 168, §4 (NEW). 2013, c. 127, §§2-4 (AMD). 2013, c. 127, §5 (AFF).

### §1403. ADVANCE HEALTH-CARE DIRECTIVE

Subject to available funding, the Secretary of State shall make advance health-care directive forms available in offices of the Bureau of Motor Vehicles. The form must be in substantially the form provided in Title 18-A, section 5-804 and with the addition of the following information at the end: "Completion of this form is optional." [1995, c. 378, Pt. B, §5 (AMD).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 378, §B5 (AMD).

### §1404. CODED LICENSES

The Secretary of State shall provide that a license issued to a person less than 21 years of age bears a distinctive color code. [2009, c. 598, §34 (AMD).]

#### 1. Under 21.

[ 2009, c. 598, §34 (RP) .]

#### 2. Prior convictions.

[ 2009, c. 598, §34 (RP) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §B14 (AMD). 1995, c. 645, §B24 (AFF). 1997, c. 318, §1 (AMD). 1997, c. 617, §1 (AMD). 2005, c. 606, §B4 (AMD). 2009, c. 447, §29 (AMD). 2009, c. 598, §34 (AMD).

## §1404-A. LICENSE STICKER; DEAF OR HARD-OF-HEARING DESIGNATION

The Secretary of State shall, at the request of a person who is deaf or hard-of-hearing, issue a sticker to that person to place in a location designated by the Secretary of State on the back of the person's driver's license to indicate that the person is deaf or hard-of-hearing. The Secretary of State may require appropriate documentation that a person is deaf or hard-of-hearing before issuing the sticker. For purposes of this section, the terms "deaf person" and "hard-of-hearing person" have the same meanings as in section 1358, subsection 1. [2007, c. 123, §1 (NEW).]

### SECTION HISTORY

2007, c. 123, §1 (NEW).

## §1405. DUPLICATE DOCUMENTS

**1. Lost or destroyed licenses, nondriver identification cards, registration certificates and learner's permits.** If a license, nondriver identification card, registration certificate or learner's permit is lost or destroyed, a person may obtain a duplicate upon furnishing proof of loss or destruction.

[ 2013, c. 381, Pt. B, §23 (AMD) .]

**2. Additional licenses, nondriver identification cards, registration certificates and learner's permits.** If satisfied that public safety will not be endangered, the Secretary of State may issue a duplicate to a person who has an original.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Fee.** The fee for a duplicate registration certificate is \$2. The fee for a duplicate learner's permit, duplicate license or duplicate nondriver identification card is \$5.

[ 2015, c. 206, §7 (RPR) .]

**4. Change of information, photograph or digital image.** When any change is made on an operator's photograph or digitized license or nondriver identification card, that license or nondriver identification card is a duplicate.

[ 2013, c. 381, Pt. B, §23 (AMD) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 482, §A25 (AMD). 1997, c. 437, §§37,38 (AMD). 2003, c. 434, §21 (AMD). 2003, c. 434, §37 (AFF). 2013, c. 381, Pt. B, §23 (AMD). 2015, c. 206, §7 (AMD).

## §1406. EXPIRATION

**(REPEALED)**

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 434, §37 (AFF). 2003, c. 434, §22 (RPR). 2007, c. 329, Pt. R, §1 (AMD). 2007, c. 648, §2 (AMD). 2011, c. 356, §19 (AMD). 2013, c. 51, §§3-5 (AMD). 2013, c. 381, Pt. B, §24 (RP).

## §1406-A. EXPIRATION

**1. License fees; expiration of license; persons under 65 years of age.** The following provisions apply to the expiration of a driver's license for persons under 65 years of age.

A. Except as provided in section 1255, a noncommercial driver's license to operate a motor vehicle issued to a person under 65 years of age expires at midnight on the license holder's 6th birthday following the date of issuance. The fee for the 6-year noncommercial driver's license is \$30. [2013, c. 381, Pt. B, §25 (NEW).]

B. Except as provided in section 1255, a commercial driver's license to operate a motor vehicle issued to a person under 65 years of age expires at midnight on the license holder's 5th birthday following the date of issuance. The fee for the 5-year commercial driver's license is \$34. [2013, c. 381, Pt. B, §25 (NEW).]

C. [2013, c. 381, Pt. B, §25 (NEW); T. 29-A, §1406A, sub1, ¶C (RP).]

[2013, c. 381, Pt. B, §25 (NEW) .]

**2. License fee; expiration of license; persons 65 years of age and over.** A noncommercial or commercial driver's license to operate a motor vehicle issued to a person 65 years of age or older at the date of issuance expires at midnight on the license holder's 4th birthday following the date of issuance. The fee for the 4-year noncommercial driver's license is \$21. The fee for the 4-year commercial driver's license is \$28.

[2013, c. 381, Pt. B, §25 (NEW) .]

**3. Leap year birthday.** For the purposes of this section, a person born on February 29th is deemed to have been born on March 1st.

[2013, c. 381, Pt. B, §25 (NEW) .]

**4. Renewals.** Prior to the expiration of a license to operate a motor vehicle, the Secretary of State shall send the license holder a renewal notice.

[2013, c. 381, Pt. B, §25 (NEW) .]

**5. Expiration of license; lawfully present noncitizens.** Notwithstanding any law to the contrary, a license issued to an applicant who is not a citizen or a legal permanent resident of the United States expires coterminously with the applicant's authorized duration of stay or the otherwise applicable expiration date of the license under this section, whichever occurs first. A license issued under this subsection must be valid for a period of at least 120 days.

[2013, c. 381, Pt. B, §25 (NEW) .]

### SECTION HISTORY

2013, c. 381, Pt. B, §25 (NEW).

## §1407. CHANGE OF LOCATION OR STATUS

When a person, after applying for or receiving a driver's license or registration, moves from the address named in the application or on the license or registration issued or changes name, that person shall, within 30 days, notify the Secretary of State, in writing or by other means approved by the Secretary of State, of the old and new addresses or former and new names and of the number of the licenses and registrations held.

[2009, c. 435, §19 (AMD).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §B15 (AMD). 2009, c. 435, §19 (AMD).

## §1408. LICENSE OR PERMIT TO BE CARRIED AND EXHIBITED ON DEMAND

**1. Immediate possession required.** A licensee, including a temporary licensee or holder of a learner's permit, must have the license in immediate possession when operating a motor vehicle.

[ 2013, c. 381, Pt. B, §26 (AMD) .]

**2. Display.** On demand of a law enforcement officer, the licensee must produce the license for inspection.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Dismissal.** A person served with a Violation Summons and Complaint charging a violation of this section may have the complaint dismissed if that person shows satisfactory evidence that the person held a valid license at the time of the alleged violation. The clerk of the District Court Violations Bureau must dismiss the complaint if, prior to the date required for filing an answer to the complaint, the person charged files a copy of the Violation Summons and Complaint with the bureau, together with evidence that the person held a valid license at the time of the alleged violation. If a person files a timely answer to a Violations Summons and Complaint alleging a violation of this section and that person presents satisfactory evidence to the court at the time of trial that the person held a valid license at the time of the alleged violation, the court must dismiss the complaint.

[ 1999, c. 771, Pt. C, §10 (AMD); 1999, c. 771, Pt. D, §§1, 2 (AFF) .]

### SECTION HISTORY

RR 1993, c. 2, §22 (COR). 1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 771, §C10 (AMD). 1999, c. 771, §§D1,2 (AFF). 2013, c. 381, Pt. B, §26 (AMD).

## §1409. AMPUTEE AND DISABLED VETERAN

A license fee is not required from: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Federal motor vehicle.** An amputee veteran who has received a motor vehicle from the United States Government under authority of P.L. 663, 79th Congress, as amended, or P.L. 187, 82nd Congress, as amended;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Service-connected disability.** An amputee veteran receiving compensation for service-connected disability from the Veterans Administration or the United States Armed Forces and who has a specially designed motor vehicle; or

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. One hundred percent permanent service-connected disability.** A veteran with a permanent disability who receives 100% service-connected benefits.

[ 1997, c. 437, §39 (AMD) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 437, §39 (AMD).

## §1410. NONDRIVER IDENTIFICATION CARDS; INFORMATION; FEE

**1. Application.** A nondriver identification card may not be issued to a person unless the person presents acceptable documentary evidence of the person's residence or domicile in this State. A post office box or mail drop address alone is not sufficient to meet this requirement. A person on active duty in the United States Armed Forces, the spouse or child of a person on active duty in the United States Armed Forces or a student enrolled in a university, college or school within the State may apply for a nondriver identification card without establishing a Maine residence or domicile. The documents acceptable to establish residence or domicile must include the applicant's name and the address of the person's residence or domicile in this State. Acceptable documentary evidence under this subsection is the same as for a license under section 1301, subsection 11, paragraphs A and B.

A. The application form must include, directly above the signature line, the following notice to the applicant: "I understand that knowingly supplying false information on this form is a Class D crime under Title 17-A, punishable by confinement of up to 364 days or by monetary fine of up to \$2,000, or both." [2007, c. 659, §2 (RPR).]

[ 2007, c. 659, §2 (RPR) .]

**2. Issuance of card; contents.** Except as provided by section 1255, upon receipt of a completed application and payment of a fee of \$5, the Secretary of State shall issue a nondriver identification card to the applicant. If an applicant is the holder of a motor vehicle driver's license bearing a photograph or digital image of the individual and issued under this chapter, the Secretary of State or the Secretary of State's representative may refuse to issue a nondriver identification card. The Secretary of State shall provide that a nondriver identification card issued to a person less than 21 years of age has a distinctive color code. Each nondriver identification card must contain:

- A. The applicant's photograph or digital image; [1997, c. 437, §40 (NEW).]
- B. The applicant's name and address; [1997, c. 437, §40 (NEW).]
- C. The applicant's date of birth; and [2001, c. 671, §27 (AMD).]
- D. [2001, c. 671, §28 (RP).]
- E. Any other information and identification that the Secretary of State by rule requires. [1997, c. 437, §40 (NEW).]

[ 2013, c. 51, §6 (AMD) .]

**3. Validity.** A nondriver identification card issued under this section is not valid until signed by the applicant.

[ 1997, c. 437, §40 (NEW) .]

**4. Expiration.** Each nondriver identification card issued pursuant to this section expires at midnight on the nondriver identification card holder's 6th birthday following the date of issuance.

[ 2013, c. 381, Pt. B, §27 (AMD) .]

**5. Storage, recording, retention and distribution of digital images and digitized signatures.** Digital images and digitized signatures used to produce a nondriver identification card are confidential and may be distributed only for use by a law enforcement agency in carrying out its functions or as otherwise authorized

under the provisions of 18 United States Code, Section 2721. The Secretary of State may store, record and retain digital images and digitized signatures used only for the purpose of producing a nondriver identification card. A violation of this subsection is a violation of section 2103, subsection 4.

[ 2011, c. 149, §7 (RPR) . ]

**6. Penalty.** A person who knowingly supplies false information on a application required under subsection 1 commits a Class D crime. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

[ 1997, c. 437, §40 (NEW) . ]

**7. Maine Indian tribe identification cards.** An official identification card issued by a federally recognized Indian tribe in the State is deemed an identification card issued under this section. Cards issued under this subsection may be issued only to members of the tribe and must be stamped and issued by the clerk of the tribe. The identification card must state, at a minimum, the name, date of birth and place of residence, or mailing address if different from the residence, of the cardholder.

[ 2001, c. 80, §1 (NEW) . ]

**8. Legal presence requirement.** The Secretary of State may not issue a nondriver identification card to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States, except that the Secretary of State may exempt a person from the requirements of this subsection if that person has continuously held a nondriver identification card or valid driver's license under this chapter since December 31, 1989 or was born before December 1, 1964.

[ 2013, c. 163, §2 (AMD) . ]

**9. Expiration of nondriver identification card; lawfully present noncitizens.** Notwithstanding any law to the contrary, a nondriver identification card issued to an applicant who is not a citizen or a legal permanent resident of the United States expires coterminously with the applicant's authorized duration of stay or 6 years, whichever is the shorter period of time. A nondriver identification card issued under this subsection must be valid for a period of at least 120 days.

[ 2007, c. 648, §4 (NEW) . ]

**10. Selective service registration.** Before issuing or renewing a nondriver identification card to a male United States citizen or immigrant who is at least 18 years of age and under 26 years of age, the Secretary of State shall provide the applicant a short statement on the requirements of the federal Military Selective Service Act, 50 United States Code, Section 453 and a federal Military Selective Service registration form. If an applicant consents to register with the federal Selective Service System pursuant to this subsection, the Secretary of State shall forward the necessary information of the applicant to the federal Selective Service System.

[ 2011, c. 170, §2 (NEW) . ]

#### SECTION HISTORY

1997, c. 437, §40 (NEW). 2001, c. 80, §1 (AMD). 2001, c. 671, §§27,28 (AMD). 2007, c. 648, §§2-4 (AMD). 2011, c. 149, §7 (AMD). 2011, c. 170, §2 (AMD). 2013, c. 51, §6 (AMD). 2013, c. 163, §2 (AMD). 2013, c. 381, Pt. B, §27 (AMD).

## §1411. PROHIBITION AGAINST PARTICIPATION IN THE FEDERAL REAL ID ACT OF 2005

The State may not participate in the federal REAL ID Act of 2005, enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13. The Secretary of State may not amend the procedures for applying for a driver's license or nondriver identification card under this chapter in a manner designed to conform to the federal REAL ID Act of 2005. [2007, c. 251, §1 (NEW).]

### SECTION HISTORY

2007, c. 251, §1 (NEW).

## §1412. MILITARY SERVICE DESIGNATION FOR ACTIVE MILITARY PERSONNEL AND VETERANS

The Secretary of State shall, at the request of an eligible applicant, issue a driver's license or nondriver identification card to that applicant with a military service designation that identifies the applicant as a person actively serving in the United States Armed Forces or as a veteran of the United States Armed Forces. [2011, c. 356, §20 (NEW).]

**1. Eligibility.** In order to make a determination of eligibility for a military service designation under this section, the bureau shall determine, based on an examination of an applicant's military identification, whether the following criteria are met:

A. The applicant is serving in the United States Armed Forces as defined in 10 United States Code, Section 101(a)(4) (2011); or [2011, c. 356, §20 (NEW).]

B. The applicant has served in the United States Armed Forces as defined in 10 United States Code, Section 101(a)(4) (2011) and has been honorably discharged. To receive the designation under this paragraph, the applicant must provide an Armed Forces Report of Transfer or Discharge, DD Form 214, or a certification from the United States Veterans Administration or the appropriate branch of the United States Armed Forces verifying the applicant's military service and honorable discharge. [2011, c. 356, §20 (NEW).]

[ 2011, c. 356, §20 (NEW) .]

**2. Renewal.** A license or nondriver identification card with a military service designation issued in accordance with subsection 1, paragraph A may be renewed upon verification of continuing eligibility.

[ 2011, c. 356, §20 (NEW) .]

**3. Design and location.** The Secretary of State shall determine the design and location on the license and nondriver identification card for the military service designation under this section.

[ 2011, c. 356, §20 (NEW) .]

### SECTION HISTORY

2011, c. 356, §20 (NEW).

## Subchapter 5: DRIVER LICENSE COMPACT

### Article 1: COMPACT

## §1451. FINDINGS AND DECLARATION OF POLICY -- ARTICLE I

**1. Findings.** The party states find that:



A. The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances related to the operation of motor vehicles; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Violation of such a law or ordinance is evidence that the violator engages in conduct that is likely to endanger the safety of persons and property; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The continuance in force of a license to drive is predicated upon compliance with laws and ordinances related to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Policy.** It is the policy of each of the party states to:

A. Promote compliance with the laws, ordinances and administrative rules and regulations related to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1452. DEFINITIONS -- ARTICLE II

As used in this compact: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Conviction.** "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle that is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Home state.** "Home state" means the state that has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. State.** "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1453. REPORTS OF CONVICTION -- ARTICLE III

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. The report must clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or whether the conviction was a result of the forfeiture of bail, bond or other security; and must include any special findings made in connection with the conviction. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1454. EFFECT OF CONVICTION -- ARTICLE IV

**1. Convictions.** The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

- A. Manslaughter or negligent homicide resulting from the operation of a motor vehicle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- B. Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree that renders the driver incapable of safely driving a motor vehicle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- C. Any felony in the commission of which a motor vehicle is used; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- D. Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Other convictions.** As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Similar offenses.** If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subsection 1 of this Article, the party state shall construe the denominations and descriptions appearing in subsection 1 as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of the party state must contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1455. APPLICATIONS FOR NEW LICENSES -- ARTICLE V

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made may not issue a license to drive to the applicant if: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. License suspended.** The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated;

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. License revoked.** The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways; or

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Surrender of license.** The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1456. APPLICABILITY OF OTHER LAWS -- ARTICLE VI

Except as expressly required by provisions of this compact, nothing contained herein may be construed to affect the right of any party state to apply any of its other laws related to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1457. COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION -- ARTICLE VII

The head of the licensing authority of each party state shall be the administrator of this compact for that state. The administrators, acting jointly, have the power to formulate all necessary and proper procedures for the exchange of information under this compact. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## **§1458. ENTRY INTO FORCE AND WITHDRAWAL -- ARTICLE VIII**

This compact must enter into force and become effective as to any state when it has enacted the same into law. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal may take effect until 6 months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal may affect the validity or applicability by the licensing authorities of the states remaining party to the compact of any report of conviction occurring prior to the withdrawal. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## **§1459. CONSTRUCTION AND SEVERABILITY -- ARTICLE IX**

This compact must be liberally construed so as to effectuate the purposes thereof. The provisions of this compact must be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States of the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance may not be affected thereby. If this compact is held contrary to the constitution of any state party thereto, the compact must remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## **Article 2: PROVISIONS RELATED TO COMPACT**

### **§1471. RATIFICATION**

The driver license compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as provided in this subchapter. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

### **§1472. LICENSING AUTHORITY**

As used in the compact, the term "licensing authority" with reference to this State, means the Secretary of State. The Secretary of State shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the compact. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

**§1473. EXPENSES**

The compact administrator provided for in Article VII of the compact is not entitled to any additional compensation on account of service as administrator, but is entitled to expenses incurred in connection with duties and responsibilities as administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of office or employment. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

## SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

**§1474. EXECUTIVE HEAD DEFINED**

As used in the compact, with reference to this State, the term "executive head" means the Governor. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

## SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

**§1475. DUTY OF COURT TO REPORT ACTION ON LICENSES**

Any court of this State, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the Secretary of State within 5 days on forms furnished by the Secretary of State. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

## SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## Chapter 13: FINANCIAL RESPONSIBILITY AND INSURANCE

### Subchapter 1: GENERAL PROVISIONS

#### §1551. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Certificate.** "Certificate" means the certificate of an insurance company or a surety company authorized to transact business in this State under Title 24-A that certifies that the company has issued a motor vehicle liability policy covering the vehicle involved in the accident.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Conviction.** "Conviction" means conviction, adjudication or judgment, and includes but is not limited to a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, on a charge of violating a motor vehicle law that has not been vacated.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Evidence of insurance.** "Evidence of insurance" means:

A. A motor vehicle insurance identification card; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A motor vehicle liability insurance policy or binder issued pending the issuance of the actual policy or insurance identification card. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Insurance identification card.** "Insurance identification card" means an identification of insurance in paper or electronic form issued to an insured by an insurer pursuant to Title 24-A, section 2412, subsection 7; or an identification of proof of financial responsibility in paper or electronic form issued by the Secretary of State to a person who elects to provide proof of financial responsibility in accordance with section 1605.

[ 2013, c. 72, §3 (AMD) .]

**5. Judgment.** "Judgment" means a judgment that has become final without appeal by expiration of the time within which appeal might have been perfected, or by final affirmance on appeal, rendered by a court of competent jurisdiction of any state or of the United States.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Motor vehicle liability bond.** "Motor vehicle liability bond" means a bond certified as proof of financial responsibility in accordance with section 1605.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Motor vehicle liability policy.** "Motor vehicle liability policy" means a policy of liability insurance certified as proof of financial responsibility in accordance with section 1605, and includes, but is not limited to, a motor vehicle liability bond.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Owner.** "Owner" means a person who holds:

A. Legal title to a vehicle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A right to possession and a right to purchase a vehicle on performance of conditions stated in a conditional sale or lease agreement; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A mortgage on the vehicle, if the mortgagor is entitled to possession. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**9. OUI.** "OUI" means operating under the influence of intoxicants or with an excessive alcohol level.

[ 2009, c. 447, §30 (AMD) .]

**10. Person.** "Person" means every person, firm, copartnership, association or corporation, but not the State or any political subdivision of the State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**11. Policy.** "Policy" means a motor vehicle liability insurance policy or motor vehicle liability bond.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**11-A. Portable electronic device.** "Portable electronic device" means an electronic device that is portable in nature, including but not limited to a device for sending or receiving e-mail, a text messaging device, a cellular telephone and a computer.

[ 2013, c. 72, §4 (NEW) .]

**12. Secretary of State.** "Secretary of State" means the Secretary of State or the Secretary of State's deputy.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**13. State.** "State" means a state of the United States, the District of Columbia or a province of the Dominion of Canada.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2009, c. 447, §30 (AMD). 2013, c. 72, §§3, 4 (AMD).

## §1552. APPLICATION

The provisions of this chapter do not apply to a snowmobile or an ATV, unless the ATV is registered for highway use. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1553. ADMINISTRATION

The Secretary of State shall administer and enforce this chapter. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## Subchapter 2: GENERAL FINANCIAL RESPONSIBILITY

## §1601. REQUIRED MAINTENANCE OF FINANCIAL RESPONSIBILITY

**1. Requirement.** An operator or owner of a vehicle registered in this State or required to be registered in this State shall maintain the amounts of motor vehicle financial responsibility specified in section 1605.

[ 1999, c. 470, §25 (AMD) .]

**2. Evidence of insurance or financial responsibility.** When a law enforcement officer stops an operator for a moving violation or the operator is involved in an accident that must be reported under section 2251, the officer shall request the operator to produce evidence of liability insurance or financial responsibility. Evidence of liability insurance or financial responsibility may be in electronic form, including the display of an image on a portable electronic device. The use of a portable electronic device to provide evidence of liability insurance or financial responsibility in electronic form does not constitute consent for a law enforcement officer to access other contents of the electronic device.

[ 2013, c. 72, §5 (AMD) .]

**3. Failure to produce evidence of insurance.** If a person fails to produce evidence of liability insurance or financial responsibility, this failure is prima facie evidence that the person is uninsured and in violation of this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3-A. Insurance in effect.** A person violates this section if that person produces evidence of liability insurance or financial responsibility that is not in effect.

[ 1997, c. 178, §1 (NEW) .]

**4. Dismissal.** A person served with a Violations Summons and Complaint charging a violation of this section may have the complaint dismissed if that person shows satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. The clerk of the District Court Violations Bureau must dismiss the complaint if, prior to the date required for filing an answer to the complaint, the person charged files a copy of the Violation Summons and Complaint with the bureau, together with satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. If a person files a timely answer to a Violations Summons and Complaint alleging a violation of this section and that person presents to the court at the time of trial satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation, the court must dismiss the complaint.

[ 1999, c. 771, Pt. C, §11 (AMD); 1999, c. 771, Pt. D, §§1, 2 (AFF) .]

**5. Penalty.** Violation of this section is a traffic infraction, for which a forfeiture of not less than \$100 and not more than \$500 may be assessed.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]



**6. Suspension.** Thirty days after the receipt of an abstract of an adjudication of a violation of this section, the Secretary of State shall suspend:

A. The license of that person; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The registration of a vehicle owned by that person; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The right to apply for a driver's license or vehicle registration. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

The suspension continues until that person provides proof of financial responsibility to the Secretary of State pursuant to section 1605.

[ 1997, c. 165, §1 (AMD); 1997, c. 176, §1 (AMD) .]

### **7. Multiple convictions.**

[ 1997, c. 165, §2 (RP); 1997, c. 176, §2 (RP) .]

**7-A. Proof of financial responsibility following violation.** A person who violates this section is subject to the proof of financial responsibility requirements under section 1605.

[ 1997, c. 683, Pt. A, §18 (RPR) .]

**8. Agent immunity from liability.** An insurance agent, broker or agency may not be held liable for an inaccurate insurance identification card if the card was issued based on information contained in the records of that person or was issued based on false or misleading statements made by the insured.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**9. Exemption.** The provisions of this section do not apply to:

A. A governmental vehicle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A vehicle owned or controlled by a dealer as defined by chapter 9, subchapter I; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A vehicle registered as a vehicle for hire. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 165, §§1-3 (AMD). 1997, c. 176, §§1-3 (AMD). 1997, c. 178, §1 (AMD). 1997, c. 683, §A18 (AMD). 1999, c. 470, §25 (AMD). 1999, c. 771, §C11 (AMD). 1999, c. 771, §§D1,2 (AFF). 2013, c. 72, §5 (AMD).

## **§1601-A. NOTIFICATION OF CANCELLATION OF INSURANCE (REPEALED)**

#### SECTION HISTORY

2001, c. 463, §2 (NEW). 2001, c. 463, §7 (AFF). 2003, c. 434, §35 (AFF). 2003, c. 652, §C1 (AMD). 2003, c. 652, §C2 (AMD). 2003, c. 652, §C3 (AFF). RR 2005, c. 1, §14 (COR). 2005, c. 95, §1 (AMD). 2005, c. 428, §§1,2 (AMD). 2005, c. 428, §3 (AFF). 2007, c. 329, Pt. M, §1 (RP).

## §1602. PROOF DEMANDED

**1. Demand.** On receipt of an accident report required under section 2251, the Secretary of State shall demand of the owner or operator proof of financial responsibility under section 1605.

This subsection does not apply to:

- A. The owner of a vehicle operated by a person that obtained possession or control without the owner's express or implied consent; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- B. The owner or operator of a vehicle involved in an accident when the Secretary of State is satisfied that neither the owner nor the operator caused the accident; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- C. The owner or operator of a vehicle involved in an accident caused by an act of a 3rd party that was a motor vehicle violation of which that 3rd party has been convicted or adjudicated; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- D. The owner or operator of a vehicle involved in an accident in which damage or injury was caused only to the person or property of the owner or operator, unless at the time of the accident that owner or operator was violating provisions of this Title; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- E. The operator of a motor vehicle licensed by the Public Utilities Commission; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- F. An owner or operator of a vehicle covered by a policy, in effect at the time of the accident; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- G. An operator who is not the owner of a vehicle and who is covered by a policy, in effect at the time of the accident, for the operation of vehicles not owned by the operator; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- H. The operator or owner of a vehicle if the liability of the operator or owner for damages resulting from the accident is, in the judgment of the Secretary of State, covered by any other form of policy. A policy is effective under this paragraph:
  - (1) If it is issued by an insurer, insurance company or surety company authorized to do business in this State; or
  - (2) If the vehicle is not registered in this State, or was registered outside the State at the effective date of the policy, if the policy meets the amounts of financial responsibility required by section 1605; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- I. The operator of a vehicle owned by the State or a political subdivision, or by a corporation that has complied with section 1605, subsection 3, paragraph C; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- J. The owner of a vehicle operated by another individual 18 years of age or older when the owner was not negligent in giving consent to that individual to use the vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Suspension.** If within 30 days of the date of demand the required proof has not been given, the Secretary of State shall:

A. Suspend the license of that person; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Suspend the registration of a vehicle owned by that person; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Suspend or deny the right to apply for a driver's license or vehicle registration. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Duration of suspension.** The suspension or period of denial must continue until the person provides proof of financial responsibility under section 1605.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Restricted license.** If the Secretary of State finds that suspension imposes an extreme hardship for which there is no other practical remedy and that the safety of the public will not be impaired and if judgment has not been rendered, the Secretary of State may issue a restricted license, subject to restrictions, conditions and immediate suspension if misused.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Waiver.** The Secretary of State may waive the requirement of filing proof of financial responsibility 3 years from the date of demand for compliance, if no further proof is required under this subchapter.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Insurance report.** Within 15 days of receipt of notice from the Secretary of State that a policy was carried at the time of the accident or that the liability for damages was covered by another form of insurance or bond, an insurance carrier shall notify the Secretary of State if that policy was not in effect at the time of the accident. The Secretary of State may impose an administrative penalty of \$50 for each day after 15 days that the insurance carrier fails to notify the Secretary of State as required in this subsection.

[ 1997, c. 176, §4 (AMD) .]

**7. Erroneous information.** If erroneous information of financial responsibility is furnished, the Secretary of State shall take appropriate action after the receipt of correct information.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 176, §4 (AMD).

## §1603. SUSPENSION

**1. Suspension of license or registration following conviction or adjudication.** On receipt of an abstract of conviction or adjudication of a person for a violation of a motor vehicle law other than OUI, the Secretary of State may suspend the license of that person and the registration of a vehicle registered in the name of that person until that person gives proof of financial responsibility under section 1605.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Suspension of license or registration following OUI convictions.** On receipt of an attested copy of the court record of an OUI conviction when the person has been previously convicted within a 10-year period of OUI, the Secretary of State may not reinstate the person's license until the person gives proof of financial responsibility. The period of suspension under this subsection may not be less than the original period of suspension imposed for the conviction.

[ 1995, c. 368, Pt. AAA, §2 (AMD) .]

**3. Minimum.** After a conviction or adjudication of a person for a violation of a motor vehicle law and reinstatement of that person's license and registration, the person shall maintain proof of financial responsibility for at least 3 years.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Conviction or adjudication in another state.** The Secretary of State shall take action as required in this section upon receiving proper evidence of a conviction or adjudication in another state.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Waiver.** The Secretary of State may waive the demand for proof of financial responsibility after 3 years from the date of demand for proof.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. General suspension.** After an accident, the Secretary of State, on reasonable grounds appearing on records in the Secretary of State's office, may suspend a person's license or registration until that person gives proof of financial responsibility for a period as the Secretary of State may require.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Unsatisfied judgment.** Upon receipt of a judgment against the owner or operator of a vehicle involved in an accident reported pursuant to section 2251, subsection 2 that resulted from a cause of action that arose from that accident, the Secretary of State shall immediately suspend the license and registration of the judgment debtor. Upon receipt of a judgment against the owner or operator of a vehicle resulting from an accident not reported pursuant to section 2251, subsection 2 that occurred on a public way or in a place where public traffic may reasonably be anticipated and caused bodily injury or death or property damage of at least \$1,000, the Secretary of State shall immediately suspend the license and registration of the judgment debtor.

A. A suspension remains in effect until the owner or operator has obtained a written release, a discharge in bankruptcy or a judgment of no liability, has filed an installment payment of judgment agreement pursuant to section 1604 or has fully satisfied the judgment. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Prior to restoration, the owner or operator must provide proof of financial responsibility. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2013, c. 123, §1 (AMD) .]

**8. Penalty.** A person commits a Class E crime if that person gives information required in a report of traffic accident or otherwise as provided in this section, knowing or having reason to believe that information is false.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**9. Return license, certificates and plates.** A person whose license or registration has been suspended shall immediately return every license, registration certificate and registration plate issued to that person to the Secretary of State. A person commits a Class E crime if that person, after notice of suspension, fails or refuses to return every license, registration certificate and registration plate.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 368, §AAA2 (AMD). 2013, c. 123, §1 (AMD).

## §1604. INSTALLMENT PAYMENT OF JUDGMENT; DEFAULT

**1. Installment payment agreement.** The Secretary of State may restore any license and registration certificates and plates suspended pursuant to section 1603, subsection 7, paragraph A upon receipt of a court order permitting the judgment debtor to make installment payments on the judgment if any installment is not in default and the person files and maintains proof of financial responsibility with the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Default.** Following notice that the judgment debtor has failed to make any installment payment as specified by the order, the Secretary of State shall suspend the license and registration certificates and plates of the judgment debtor. The suspension must continue until the judgment is completely satisfied or the debtor has secured a written release from the judgment creditor in the form required by the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1605. PROOF OF FINANCIAL RESPONSIBILITY

**1. Requirements.** To be accepted as proof of financial responsibility, a policy must:

A. Conform to section 1606, subsection 2; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Include the condition that the obligor must, within 30 days of rendition of judgment, satisfy the judgment in an action to recover damages:

- (1) To property or for bodily injury, including death;
- (2) Accidentally sustained during the term of the policy by a person other than the insured, employees of the insured actually operating the motor vehicle or another person responsible who is entitled to worker's compensation benefits; and
- (3) Arising out of the ownership, operation, maintenance, control or use of a vehicle within the limits of the United States of America or Canada; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Be in the amount or limit of at least:

- (1) For damage to property, \$25,000;
- (2) For injury to or death of any one person, \$50,000;
- (3) For one accident resulting in injury to or death of more than one person, \$100,000; and

(4) For medical payments pursuant to section 1605-A, \$2,000. [2007, c. 213, §1 (AMD); 2007, c. 213, §3 (AFF).]

[ 2007, c. 213, §1 (AMD); 2007, c. 213, §3 (AFF) .]

**2. Scope of proof.** Insurance in the minimum amounts listed in subsection 1, paragraph C must be furnished for each vehicle registered, and evidence of insurance may be provided at the time of registration in electronic form, including the display of an image on a portable electronic device. Separate proof of financial responsibility is not required for a trailer, semitrailer, camp trailer or mobile home, registered to a person required to file proof of financial responsibility, that is covered by a policy on a vehicle registered by that person and provides the coverage required for a motor vehicle liability policy.

[ 2013, c. 72, §6 (AMD) .]

**3. Methods of giving proof.** Proof of financial responsibility may be given by the following methods:

A. By filing with the Secretary of State a certificate from an insurance or surety company; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. By the deposit of money or securities; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. For a corporation, by satisfying the Secretary of State that the corporation has financial ability to comply with the requirements of this subchapter. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Money or securities deposited as proof.** A person may give proof of financial responsibility by delivering to the Secretary of State a receipt of the Treasurer of State showing a deposit of money or securities approved by the Treasurer of State with a value or amount equal to that required in a policy.

Securities must be of a type that may legally be purchased by savings banks or for trust funds.

Money or securities deposited are subject to execution to satisfy a judgment, but are not otherwise subject to attachment or execution.

The depositor shall also provide evidence that there are no unsatisfied judgments against the depositor registered in the office of the clerk of any Superior Court in this State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. May substitute other proof.** The Secretary of State shall return or cancel proof on acceptance of other adequate proof of financial responsibility.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Operating without giving proof.** A person commits a Class E crime if that person is required to maintain proof of financial responsibility and, without authorization from the Secretary of State and without that proof, operates a vehicle or knowingly permits a vehicle owned by that person to be operated by another on a public way.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Restricted license.** When a person is required to maintain proof of financial responsibility, the Secretary of State may issue a restricted license to that person authorizing the operation of a vehicle as long as the owner maintains proof of financial responsibility.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Electronic filing of proof of financial responsibility.** The Secretary of State shall implement a system for the electronic filing of proof of financial responsibility under this section.

[ 1997, c. 165, §4 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 165, §4 (AMD). 1997, c. 176, §5 (AMD). 1997, c. 176, §8 (AFF). 2007, c. 213, §1 (AMD). 2007, c. 213, §3 (AFF). 2013, c. 72, §6 (AMD).

### §1605-A. MEDICAL PAYMENTS

A motor vehicle liability policy issued for a motor vehicle registered or principally garaged in this State must provide coverage in an amount equal to or greater than \$2,000 per person for medical costs incurred as a result of injuries sustained in an accident involving the insured vehicle by the driver and passengers in that vehicle. The coverage required by this section only applies to medical costs incurred during one year following the date the injuries are sustained. This section does not apply to a policy insuring more than 4 motor vehicles, nor to any policy covering a garage, automobile sales agency, repair shop, service station or public parking place. [2007, c. 213, §2 (AMD); 2007, c. 213, §3 (AFF).]

#### SECTION HISTORY

1997, c. 176, §6 (NEW). 1997, c. 176, §8 (AFF). 1997, c. 776, §40 (AMD). 2007, c. 213, §2 (AMD). 2007, c. 213, §3 (AFF).

### §1606. FILING

A policy may not be certified as proof of financial responsibility until a copy of the form of the policy has been on file with the Superintendent of Insurance for at least 30 days or the Superintendent of Insurance has approved in writing the form of the policy. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Form.** The Superintendent of Insurance shall approve a form of policy that contains:

A. The name and address of the insured; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A description of the vehicle covered; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The premium charges; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. The policy period; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. The limits of liability; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. An agreement that insurance is provided under this subchapter. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Required provisions.** Even if not expressed, a policy is subject to the following provisions.

A. The liability of a company under a policy must become absolute when the loss or damage covered by the policy occurs. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Satisfaction by the insured of a final judgment for that loss or damage may not be a condition precedent to the obligation of the company to make payment on account of the loss or damage. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A policy may not be canceled or annulled by an agreement between the company and the insured after the insured has become liable for loss or damage. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. On recovery of a final judgment for a loss or damage specified in this section, if the judgment debtor at the accrual of the cause of action was insured against liability under a policy, the judgment creditor may have the insurance proceeds applied to satisfy the judgment. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. The policy, the written application and a rider or endorsement constitute the entire contract between the parties. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. If the death, insolvency or bankruptcy of the insured occurs within the policy period, the policy must cover the legal representatives of the insured during the unexpired portion. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Default judgment.** When the defendant has defaulted, damages may not be assessed, except by special order of the court, until expiration of 30 days after the plaintiff gives notice of default to the company that issued the policy.

Notice may be given by mail, postage prepaid, to the company that issued the policy or to its agent.

If satisfied that the insured has failed to comply with the terms of the policy by failing to notify the company that issued the policy of an accident, the Secretary of State may revoke the insured's license and registration for an appropriate period.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Recovery may not be barred.** A statement of the insured or principal or a violation of the policy may not operate to defeat or avoid the policy so as to bar recovery within the limit provided in the policy.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Cancellation of policy.** A policy certified as proof of financial responsibility may not be canceled until at least 10 days after notice of cancellation has been filed in the office of the Secretary of State.

A policy subsequently certified terminates on the effective date of certification the insurance previously certified with respect to a motor vehicle designated in both certificates.

The company may specify on a certificate the expiration date of the policy. When an expiration date is provided, the policy is deemed terminated for purposes of this chapter on and after that date, unless that policy has been previously canceled or superseded.

When an expiration date is not specified on the certificate, the policy continues until canceled or superseded in accordance with section 1605, subsection 5.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]



**6. Company doing business in another state.** A policy is not effective unless issued by a company authorized to do business in this State or a company authorized to do business in the state where the vehicle is registered or, in the case of an operator's policy, the state where the operator resides.

[ 2009, c. 598, §35 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2009, c. 598, §35 (AMD).

## §1607. SATISFIED JUDGMENTS

**1. Satisfaction.** To meet the obligation of financial responsibility only, a judgment is satisfied:

A. When \$50,000 has been credited on a judgment for bodily injury to or death of one person as the result of one accident rendered in excess of that amount; [1997, c. 176, §7 (AMD); 1997, c. 176, §8 (AFF).]

B. Subject to paragraph A, when \$100,000 has been credited on a judgment for bodily injury to or death of 2 or more people as the result of one accident rendered in excess of that amount; or [1997, c. 176, §7 (AMD); 1997, c. 176, §8 (AFF).]

C. When \$25,000 has been credited on a judgment for injury to or destruction of property of others as a result of one accident rendered in excess of that amount. [1997, c. 176, §7 (AMD); 1997, c. 176, §8 (AFF).]

[ 1997, c. 176, §7 (AMD); 1997, c. 176, §8 (AFF) .]

**2. Settlement payments.** Payments made in settlement of a claim for bodily injury, death or property damage arising from a motor vehicle accident must be credited against the amounts provided for in this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 176, §7 (AMD). 1997, c. 176, §8 (AFF).

## §1608. HEARING

**1. Request for hearing.** A person aggrieved by a decision of the Secretary of State in applying this chapter, within 10 days after receipt of the decision, may request in writing a hearing by the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Stay of decision.** Pending a hearing, the decision may be stayed.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Determination of issuance.** If the Secretary of State holds a hearing to determine whether or not a license or registration should be issued to a person against whom the provisions of this subchapter have been invoked, the Secretary of State shall provide notice of the hearing to the other party involved in the accident that gave rise to this subchapter being invoked.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1609. NONRESIDENTS; ACCIDENTS IN OTHER STATES

**1. Nonresidents.** The following provisions apply to nonresidents.

A. This chapter applies to a person who is not a resident of this State. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. If a nonresident has failed to give proof of financial responsibility, that nonresident may not operate a vehicle in this State and may not allow a vehicle owned by that nonresident to be operated in this State. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The Secretary of State may not issue to a nonresident a license or register a vehicle owned by a nonresident in the same manner as required with respect to a resident of this State. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. The operation by a nonresident, or with a nonresident owner's express or implied consent, of a vehicle on a public way acts as an appointment of the Secretary of State to be the nonresident's attorney, on whom may be served all lawful processes in an action growing out of an accident in which that nonresident or vehicle may be involved. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. When a nonresident's operating privilege is suspended, the Secretary of State shall transmit a certified copy of the record of that action to the appropriate official in the nonresident's state. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Accidents in other states.** On receipt of certification that the operating privilege of a resident of this State has been suspended or revoked by another state for failure to provide proof of financial responsibility under circumstances that require the Secretary of State to suspend a nonresident's operating privilege had an accident occurred in this State, the Secretary of State may suspend the license of that resident and the registrations of vehicles owned by that resident.

The suspension may continue until the resident furnishes proof of compliance with the law of the other state.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1610. SAVINGS CLAUSE

This chapter does not limit a plaintiff in a civil action from relying on other processes provided by law. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1611. INSURANCE, BOND OR SELF-INSURANCE REQUIRED

**1. Insurance, bond or self-insurance required.** The Secretary of State may not register any motor vehicle for rent, lease, hire or livery and a person may not operate or cause to be operated on any public way in the State such a motor vehicle until the owner or owners of that vehicle procure insurance or a bond covering the operation of that vehicle by:

A. Presenting a valid and sufficient insurance policy from:

- (1) An insurance company authorized by the Superintendent of Insurance to transact business in this State; or
- (2) With the approval of the Secretary of State, an insurance company authorized to transact business in any state that provides an indemnity bond bonding the insurance company in an amount the Secretary of State prescribes and having as surety a surety company authorized by the Superintendent of Insurance to transact business in this State; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Presenting a good and sufficient indemnity bond, approved by the Secretary of State, bonding the applicant in an amount the Secretary of State prescribes and having as surety 2 responsible individuals or a surety company authorized to transact business in this State; [1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §16 (AMD); 1995, c. 65, Pt. C, §15 (AFF).]

C. Presenting a declaratory judgment issued by the Interstate Commerce Commission authorizing the owner to self-insure; or [1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §16 (AMD); 1995, c. 65, Pt. C, §15 (AFF).]

D. Presenting a valid and sufficient insurance policy or bond filed by an insurance company that may do business and is eligible as an excess or surplus lines insurer in a state in which business is written on behalf of those motor carriers that are certified by the Interstate Commerce Commission at the level required by 49 Code of Federal Regulations, Section 1043.2 and its exceptions. [1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §17 (NEW); 1995, c. 65, Pt. C, §15 (AFF).]

[1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §§16, 17 (AMD); 1995, c. 65, Pt. C, §15 (AFF).]

**2. Minimum insurance requirements.** The minimum insurance requirements are as follows.

A. Except as provided in paragraph E, there is a \$350,000 combined single limit for emergency vehicles and for-hire transportation vehicles for transporting freight or merchandise but not passengers in intrastate-exempt service or service exempted by the federal Department of Transportation, Surface Transportation Board. [2011, c. 78, §1 (AMD).]

B. For vehicles used exclusively to transport passengers for hire between points within the State, including motor vehicles under contract with the State, a municipality or a school district for the transportation of students, but not vehicles defined as school buses in section 2301, subsection 5, there is a combined single limit of:

- (1) One hundred twenty-five thousand dollars, or split limits consisting of \$50,000 per person and \$100,000 per occurrence for bodily injury liability, and \$25,000 for property damage liability for vehicles that are designed to carry no more than 3 passengers behind the driver's seat;
- (2) Three hundred thousand dollars for vehicles that are designed to carry 4 to 7 passengers behind the driver's seat, including those vehicles under contract with the State, a municipality or a school district for the transportation of students;
- (3) Seven hundred fifty thousand dollars for vehicles that are designed to carry 8 to 15 passengers behind the driver's seat;

- (4) One million five hundred thousand dollars for vehicles that are designed to carry 16 to 30 passengers behind the driver's seat;
- (5) Two million dollars for vehicles that are designed to carry 31 or more passengers behind the driver's seat; and
- (6) Four hundred thousand dollars for vehicles registered to a transit district as defined in Title 30-A, section 3501. [2007, c. 703, §23 (AMD).]

C. For vehicles used to transport passengers for hire between points within the State and points outside the State, but not vehicles defined as school buses in section 2301, subsection 5, or vehicles under contract with the State, municipality or school district for the transportation of students, there is a combined single limit of:

- (1) For vehicles with 15 or fewer passengers, \$1,500,000; and
- (2) For vehicles with 16 or more passengers, \$5,000,000.

The Secretary of State shall mark or stamp for-hire vehicle registrations not in compliance with this paragraph as "intrastate only." Car pools or van pools as defined in section 556, subsection 6 and taxicabs are exempt from the provisions of this paragraph but are subject to the provisions of paragraph B. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. For school buses as defined in section 2301, subsection 5 there is a combined single limit of:

- (1) For school buses with up to 30 passengers behind the driver's seat, \$500,000; and
- (2) For school buses with 31 or more passengers behind the driver's seat, \$1,000,000. [1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §19 (AMD); 1995, c. 65, Pt. C, §15 (AFF).]

E. For rental trucks with a registered gross weight of 26,000 pounds or less, rented or leased for fewer than 30 days:

- (1) There is a combined single limit of \$125,000; or
- (2) There is a split limit of \$50,000 per person or \$100,000 per occurrence for bodily injury liability and \$25,000 for property damage liability. [1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §20 (NEW); 1995, c. 65, Pt. C, §15 (AFF).]

F. For rental vehicles, the requirements are the same as under section 1605, subsection 1, paragraph C. [2011, c. 78, §2 (NEW).]

[2011, c. 78, §§1, 2 (AMD).]

**3. Maintenance of insurance.** The owner or owners of any vehicle subject to this section shall maintain at all times the required amount of insurance or bond during the term of the vehicle's registration. Notwithstanding section 1606, the insurance provider must provide at least 30 days' notice of cancellation of insurance to the Secretary of State. For vehicles registered in this State, the Secretary of State shall immediately suspend or revoke, pursuant to chapter 23, the registration certificate and registration plates of any vehicle for which the insurance or bond in the amounts required is not maintained. Any person whose registration certificate and registration plates have been suspended or revoked pursuant to this section shall immediately return the registration certificate and registration plates to the Secretary of State. For vehicles not required to be registered in this State, the Secretary of State shall suspend the person's right to operate in this State.

[2009, c. 598, §36 (AMD).]

#### **4. Additional requirements.**

[2009, c. 598, §37 (RP).]

**5. Coverage of insurance or bond.** The required insurance policy or bond must adequately provide liability insurance for the collection of damages for which the owner of a motor vehicle or vehicles may be liable by reason of the operation of a motor vehicle or vehicles subject to this chapter.

[ 2009, c. 598, §38 (AMD) .]

**6. Exemption.** All vehicles owned by the State, a municipality or school district are exempt from the insurance requirements established in this section.

[ 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §21 (AMD); 1995, c. 65, Pt. C, §15 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §§B16-21 (AMD). 1995, c. 65, §§A153, C15 (AFF). 1995, c. 482, §B20 (AMD). 1995, c. 482, §B22 (AFF). 1995, c. 645, §A15 (AMD). 2001, c. 361, §30 (AMD). 2005, c. 573, §5 (AMD). 2007, c. 703, §23 (AMD). 2009, c. 435, §20 (AMD). 2009, c. 598, §§36-38 (AMD). 2011, c. 78, §§1, 2 (AMD).

## §1612. INSURANCE BEFORE REGISTRATION FOR DEALERS AND TRANSPORTERS

The Secretary of State may not issue a dealer, transporter, loaner, motorcycle dealer or trailer dealer license or registration plates under chapter 9, subchapter I, except to equipment dealers or dealers who are only licensed to sell trailers with a gross vehicle weight rating of 3,000 pounds or less, and that do not request dealer registration plates in conjunction with the license, until the applicant has procured and filed with the Secretary of State a certificate showing that the applicant is covered by an automobile bodily injury and property damage liability insurance policy providing coverage as set forth in this Title with respect to the plates issued, approved by the Superintendent of Insurance, insuring against any legal liability in accordance with the terms of that policy for personal injury or death of any one person in the sum of \$100,000 and for any number of persons in the sum of \$300,000 and against property damage in the sum of \$100,000 when injury, death or damage may result from or have been caused by the operation of any vehicle bearing such registration plates. In lieu of that insurance, the applicant may file with the Secretary of State a bond or bonds issued by a surety company authorized to do business in the State in the amount of at least \$100,000 on account of injury to or death of any one person and subject to such limits as respects injury to or death of one person; of at least \$300,000 on account of any one accident resulting in injury to or death of more than one person; and of at least \$100,000 for damage to property of others. [1997, c. 776, §41 (AMD).]

Notwithstanding this section, a trailer or mobile home dealer, licensed pursuant to section 954, who certifies to the Secretary of State that the dealer does not haul trailers or mobile homes on the public roads and highways of the State is not required to file certification of liability insurance or surety bond. The Secretary of State may not issue dealer plates to a trailer or mobile home dealer exempted from filing certification of liability insurance or surety bond under this paragraph. [2001, c. 671, §29 (AMD).]

Notwithstanding Title 4, section 152, subsection 9 and Title 5, sections 10003 and 10051, the Secretary of State has the authority to suspend a motor vehicle dealer license upon the dealer's failure to maintain insurance as required by this section. [1999, c. 547, Pt. B, §48 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

The operation, or the release for operation, of any vehicle registered under chapter 9, subchapter I that is not in compliance with this section is a traffic infraction. [1999, c. 771, Pt. C, §12 (AMD); 1999, c. 771, Pt. D, §§1, 2 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §A16 (AMD). 1997, c. 437, §41 (AMD). 1997, c. 776, §41 (AMD). 1999, c. 547, §B48 (AMD). 1999, c. 547, §B80 (AFF). 1999, c. 771, §C12 (AMD). 1999, c. 771, §§D1,2 (AFF). 2001, c. 671, §29 (AMD).

### Subchapter 3: VICARIOUS LIABILITY

#### §1651. LIABILITY FOR MINOR

An owner who knowingly permits a minor to operate that owner's vehicle on a public way is jointly and severally liable with that minor for damages caused by the negligence of the minor in operating that vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

##### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

#### §1652. OWNER AND RENTER JOINTLY AND SEVERALLY LIABLE

**1. Liability.** An owner engaged in the business of renting motor vehicles, with or without drivers, who rents a vehicle to another for use on a public way, is jointly and severally liable with the renter for damage caused by the negligence of the renter in operating the vehicle and for any damages caused by the negligence of a person operating the vehicle by or with the permission of the renter.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Applicability.** This section does not apply to a rental as part of a bona fide transaction involving the sale of a motor vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Limitation.** This section does not give to a passenger in a rented vehicle a right of action against the owner.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Contributory negligence.** This section does not affect contributory negligence as a defense.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

##### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

#### §1653. ALLOWING IMPAIRED OPERATOR

**1. Liability.** An owner or person having control of a motor vehicle who, having knowledge or reason to know that a person is under the influence of intoxicating liquor or drugs or has an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath, permits that person to operate that motor vehicle is jointly and severally liable with that person for damages caused by the negligence of the person.

[ 2009, c. 447, §31 (AMD) .]

**2. Not exclusive.** This section does not limit and does not diminish any cause of action or right of recovery that is or may become available under the common law.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2009, c. 447, §31 (AMD).

## Subchapter 4: TRANSPORTATION NETWORK COMPANIES

### §1671. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [2015, c. 279, §2 (NEW).]

**1. Digital network.** "Digital network" has the same meaning as in Title 24-A, section 7302, subsection 1.

[ 2015, c. 279, §2 (NEW) .]

**2. Personal vehicle.** "Personal vehicle" has the same meaning as in Title 24-A, section 7302, subsection 2.

[ 2015, c. 279, §2 (NEW) .]

**3. Prearranged ride.** "Prearranged ride" has the same meaning as in Title 24-A, section 7302, subsection 3.

[ 2015, c. 279, §2 (NEW) .]

**4. Transportation network company.** "Transportation network company" has the same meaning as in Title 24-A, section 7302, subsection 4.

[ 2015, c. 279, §2 (NEW) .]

**5. Transportation network company driver; driver.** "Transportation network company driver" or "driver" has the same meaning as in Title 24-A, section 7302, subsection 5.

[ 2015, c. 279, §2 (NEW) .]

**6. Transportation network company rider; rider.** "Transportation network company rider" or "rider" has the same meaning as in Title 24-A, section 7302, subsection 6.

[ 2015, c. 279, §2 (NEW) .]

#### SECTION HISTORY

2015, c. 279, §2 (NEW).

### §1672. TRANSPORTATION NETWORK COMPANY PERMIT

**1. Permit required.** A person may not operate a transportation network company without a permit issued by the Secretary of State, subject to the following conditions.

A. A transportation network company shall pay an annual fee of \$10,000 for a permit under this section.

[2015, c. 279, §2 (NEW).]

B. A transportation network company shall maintain insurance in accordance with section 1673. [2015, c. 279, §2 (NEW).]

[ 2015, c. 279, §2 (NEW) .]

**2. Application; validity of permit.** An application for a permit under this section must be made on a form provided or approved by the Secretary of State. A permit under this section is valid for a period of one year.

[ 2015, c. 279, §2 (NEW) .]

**3. Termination of permit.** The Secretary of State shall terminate a permit under this section for failure to maintain insurance required by section 1673 or to otherwise comply with the requirements of this subchapter. The Secretary of State may not reissue a permit terminated under this subsection until:

A. A reinstatement fee of \$1,000 is paid to the Secretary of State; and [2015, c. 279, §2 (NEW) .]

B. Subsequent to the termination, the transportation network company pays the annual permit fee under subsection 1 and demonstrates compliance with the requirements of this subchapter. [2015, c. 279, §2 (NEW) .]

[ 2015, c. 279, §2 (NEW) .]

**4. Penalty.** The following provisions apply to violations under this section.

A. Operation without a permit as required by subsection 1 is a Class D crime. [2015, c. 279, §2 (NEW) .]

B. Failure to maintain insurance as required by subsection 1, paragraph B is a Class D crime. [2015, c. 279, §2 (NEW) .]

[ 2015, c. 279, §2 (NEW) .]

#### SECTION HISTORY

2015, c. 279, §2 (NEW) .

## §1673. INSURANCE REQUIREMENTS

**1. Insurance required.** A transportation network company shall maintain insurance pursuant to this section.

[ 2015, c. 279, §2 (NEW) .]

**2. Proof of insurance.** The Secretary of State shall certify proof of insurance prior to issuing a permit under section 1672. The Secretary of State may not certify an insurance policy as proof of insurance unless the policy meets the requirements of subsection 4 and until a copy of the form of policy has been on file with the Superintendent of Insurance for at least 30 days or the Superintendent of Insurance has approved in writing the form of the policy under subsection 3.

[ 2015, c. 279, §2 (NEW) .]

**3. Form.** The form of policy under this section must contain:

A. The name and address of the insured; [2015, c. 279, §2 (NEW) .]

B. The conditions of coverage sufficient to identify whether or not a given vehicle is covered at a given time; [2015, c. 279, §2 (NEW) .]



C. The policy period; [ 2015, c. 279, §2 (NEW) . ]

D. The limits of liability; and [ 2015, c. 279, §2 (NEW) . ]

E. An agreement that insurance is provided pursuant to this section. [ 2015, c. 279, §2 (NEW) . ]

[ 2015, c. 279, §2 (NEW) . ]

**4. Required provisions.** An insurance policy under this section must:

A. Provide coverage in accordance with the requirements of Title 24-A, section 7303; and [ 2015, c. 279, §2 (NEW) . ]

B. Comply with section 1606, subsections 2 to 6. [ 2015, c. 279, §2 (NEW) . ]

[ 2015, c. 279, §2 (NEW) . ]

#### SECTION HISTORY

2015, c. 279, §2 (NEW) .

## §1674. OTHER REQUIREMENTS

The following provisions apply to a transportation network company operating in this State. [ 2015, c. 279, §2 (NEW) . ]

**1. Not a motor carrier, taxicab, limousine or for-hire vehicle.** A transportation network company or a transportation network company driver is not a motor carrier, a taxicab, a limousine or a provider of for-hire transportation service.

[ 2015, c. 279, §2 (NEW) . ]

**2. Agent.** A transportation network company shall designate an agent for service of process in this State.

[ 2015, c. 279, §2 (NEW) . ]

**3. Fare for services.** On behalf of a transportation network company driver, a transportation network company may charge a fare for the services provided to riders; if a fare is collected from a rider, the transportation network company shall disclose to the rider the fare calculation method on its website or through the digital network. The transportation network company shall also provide a rider with the applicable rate being charged and the option to receive an estimated fare before the rider enters the transportation network company driver's vehicle.

[ 2015, c. 279, §2 (NEW) . ]

**4. Identification of transportation network company vehicles and drivers.** The transportation network company's digital network or website must display to a rider a picture of the transportation network company driver and the license plate number of the personal vehicle used for providing the prearranged ride before the rider enters the transportation network company driver's vehicle.

[ 2015, c. 279, §2 (NEW) . ]

**5. Electronic receipt.** Within a reasonable period of time following the completion of a prearranged ride, a transportation network company shall transmit an electronic receipt to the rider that lists:

A. The point of origin and destination of the prearranged ride; [ 2015, c. 279, §2 (NEW) . ]

B. The total time and distance of the prearranged ride; and [ 2015, c. 279, §2 (NEW) . ]

C. An itemization of the total fare paid, if any. [ 2015, c. 279, §2 (NEW) . ]

[ 2015, c. 279, §2 (NEW) . ]

**6. No cash.** A transportation network company shall adopt a policy prohibiting the solicitation or acceptance of a cash payment from a rider and notify transportation network company drivers of that policy. A transportation network company driver may not solicit or accept a cash payment from a rider. Any payment for a prearranged ride may be made only electronically using the transportation network company's digital network.

[ 2015, c. 279, §2 (NEW) . ]

**7. Policy on discrimination; accessibility.** A transportation network company shall adopt a policy addressing discrimination and accessibility that:

A. Prohibits discrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation or gender identity with respect to riders and potential riders; [ 2015, c. 279, §2 (NEW) . ]

B. Requires a transportation network company driver to comply with all applicable laws regarding discrimination against riders or potential riders on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation or gender identity; [ 2015, c. 279, §2 (NEW) . ]

C. Requires a transportation network company driver to comply with all applicable laws relating to accommodation of service animals; [ 2015, c. 279, §2 (NEW) . ]

D. Prohibits the imposition of additional charges for providing services to persons with physical disabilities because of those disabilities; [ 2015, c. 279, §2 (NEW) . ]

E. Provides a rider an opportunity to indicate whether the rider requires a wheelchair accessible vehicle. If a transportation network company cannot arrange for wheelchair accessible transportation in any instance, the transportation network company driver shall direct the rider to an alternate provider of wheelchair accessible service, if available; and [ 2015, c. 279, §2 (NEW) . ]

F. Provides notice of the policy to each driver. [ 2015, c. 279, §2 (NEW) . ]

[ 2015, c. 279, §2 (NEW) . ]

**8. Records.** A transportation network company shall maintain individual prearranged ride records for at least one year from the date each prearranged ride was provided and transportation network company driver records for at least one year from the date on which a transportation network company driver's activation on the transportation network company's digital network has ended.

[ 2015, c. 279, §2 (NEW) . ]

#### SECTION HISTORY

2015, c. 279, §2 (NEW) .

## §1675. DRIVER REQUIREMENTS

A transportation network company must meet the following requirements with respect to drivers.

[ 2015, c. 279, §2 (NEW) . ]

**1. Driver qualifications.** Before allowing a driver to accept prearranged ride requests through a digital network, a transportation network company shall:

A. Require the individual to submit an application, which includes information regarding the individual's address, age, driver's license, driving history, registration of the personal vehicle, automobile liability insurance and any other information required by the transportation network company; [ 2015 , c . 279 , §2 (NEW) . ]

B. Conduct, or have a 3rd party conduct, a local and national criminal background check for each applicant that must include a review of:

(1) A multistate and multijurisdiction criminal records database or a commercial nationwide criminal records database; and

(2) The United States Department of Justice national sex offender registry database and the state sex offender registry database in the state that issued the individual's driver's license; and [ 2015 , c . 279 , §2 (NEW) . ]

C. Obtain and review a driving history report for the individual. [ 2015 , c . 279 , §2 (NEW) . ]

[ 2015 , c . 279 , §2 (NEW) . ]

**2. Grounds for disqualification.** A transportation network company may not permit an individual to act as a driver if the individual:

A. Is not at least 19 years of age; [ 2015 , c . 279 , §2 (NEW) . ]

B. Has had more than 3 moving violations in the prior 3-year period or one major violation in the prior 3-year period, including, but not limited to, attempting to evade the police, reckless driving or driving on a suspended or revoked license; [ 2015 , c . 279 , §2 (NEW) . ]

C. Has been convicted, within the past 7 years, of driving under the influence of drugs or alcohol, fraud, a sexual offense, use of a motor vehicle to commit a felony, a crime involving property damage or theft, an act of violence or an act of terror; [ 2015 , c . 279 , §2 (NEW) . ]

D. Is a match in the national sex offender registry database or is required to register in the state that issued the individual's driver's license pursuant to that state's sex offender registration laws; [ 2015 , c . 279 , §2 (NEW) . ]

E. Does not possess a valid driver's license; [ 2015 , c . 279 , §2 (NEW) . ]

F. Does not possess proof of registration for the motor vehicle to be used to provide a prearranged ride; or [ 2015 , c . 279 , §2 (NEW) . ]

G. Does not possess proof of automobile liability insurance for the motor vehicle to be used to provide a prearranged ride. [ 2015 , c . 279 , §2 (NEW) . ]

[ 2015 , c . 279 , §2 (NEW) . ]

**3. Prohibition of drug or alcohol use.** A transportation network company shall adopt and implement a policy regarding a driver's use of drugs or alcohol while accessing the transportation network company's digital network in accordance with this subsection.

A. The policy adopted under this subsection must prohibit the use of drugs or alcohol while a driver is providing a prearranged ride and address such use while a driver is logged into the digital network, but is not providing a prearranged ride. The transportation network company shall provide notice of the policy on its website, as well as procedures to report a complaint about a driver who the rider reasonably suspects was under the influence of drugs or alcohol during the course of the prearranged ride. [ 2015 , c . 279 , §2 (NEW) . ]

B. Upon receipt of a rider complaint under paragraph A, the transportation network company shall immediately suspend the driver's access to the digital network and shall conduct an investigation into the reported incident. The suspension must last the duration of the investigation. [ 2015 , c . 279 , §2 (NEW) . ]

C. A transportation network company shall maintain records relevant to the enforcement of its policy under this subsection for a period of at least 2 years from the date that a rider complaint is received by the transportation network company. [2015, c. 279, §2 (NEW).]

[ 2015, c. 279, §2 (NEW) .]

**4. Vehicle safety and emissions.** A transportation network company shall require that any motor vehicle used by a driver to provide a prearranged ride meets any safety and emissions requirements of the state in which the vehicle is registered.

[ 2015, c. 279, §2 (NEW) .]

**5. No street hails.** A transportation network company driver may not solicit or accept street hails.

[ 2015, c. 279, §2 (NEW) .]

#### SECTION HISTORY

2015, c. 279, §2 (NEW).

### §1676. NO APPLICATION TO WORKERS' COMPENSATION

This subchapter does not apply to claims or proceedings involving workers' compensation. [2015, c. 279, §2 (NEW).]

#### SECTION HISTORY

2015, c. 279, §2 (NEW).

### §1677. MUNICIPAL ACTION

Notwithstanding any other provision of law, a municipality or other political subdivision may not adopt an ordinance, regulation or procedure governing the operations of a transportation network company, driver or motor vehicle used by a transportation network company driver to provide a prearranged ride or impose a tax or fee on or require a license for a transportation network company, driver or motor vehicle used by a transportation network company driver to provide a prearranged ride. [2015, c. 279, §2 (NEW).]

#### SECTION HISTORY

2015, c. 279, §2 (NEW).

## Chapter 15: INSPECTION AND REPAIR

### Subchapter 1: INSPECTION

#### §1751. MOTOR VEHICLE INSPECTION

**1. Inspection required.** Except as provided in this chapter or section 2307, subsection 1, a motor vehicle required to be registered in this State must have an annual inspection. A person may have a motor vehicle inspected more frequently.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Equipment subject to inspection.** The following equipment is subject to inspection:

A. Body components; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Brakes; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Exhaust system; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Glazing; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. Horn; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. Lights and directional signals; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

G. Rearview mirrors; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

H. Reflectors; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

I. Running gear; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

J. Safety seat belts on 1966 and subsequent models; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

K. Steering mechanism; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

L. Tires; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

M. Windshield wipers; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

N. Catalytic converter on 1983 and subsequent models; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

O. Filler neck restriction on 1983 and subsequent models. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2-A. Enhanced inspection.** Beginning January 1, 1999, a motor vehicle that is required to be registered in Cumberland County and that is subject to inspection pursuant to subsection 1 must have an annual enhanced inspection. The following equipment is subject to inspection:

- A. Equipment subject to inspection pursuant to subsection 2; [1997, c. 786, §1 (NEW).]
- B. The fuel tank cap on 1974 and subsequent models of gasoline-powered vehicles; and [1997, c. 786, §1 (NEW).]
- C. The on-board diagnostic system on 1996 and subsequent models. [1997, c. 786, §1 (NEW).]

A motor vehicle that is not required to be registered in Cumberland County may have an enhanced inspection under this subsection.

[ 1997, c. 786, §1 (NEW) .]

### **3. Inspection fee.**

[ 2001, c. 234, §1 (RP) .]

**3-A. Inspection fees.** An inspection station may charge the following fees:

- A. For inspections performed under subsection 2, the fee may not be more than \$12.50; [2001, c. 234, §2 (NEW).]
- B. For inspections of pre-1996 model vehicles performed under subsection 2-A, the fee may not be more than \$15.50; and [2001, c. 234, §2 (NEW).]
- C. For inspections of 1996 and subsequent model vehicles performed under subsection 2-A, the fee may not be more than \$18.50. [2001, c. 234, §2 (NEW).]

The inspection fee is payable whether the vehicle passes inspection or not.

[ 2001, c. 234, §2 (NEW) .]

**4. Implementation.** The enhanced inspection required by subsection 2-A must be implemented as follows.

- A. The fuel tank cap is subject to inspection beginning January 1, 1999. [1997, c. 786, §3 (NEW).]
- B. The on-board diagnostic system is subject to inspection beginning January 1, 2000. A motor vehicle may not fail inspection for failure to meet the inspection standard for the on-board diagnostic system until January 1, 2001. [1997, c. 786, §3 (NEW).]

[ 1997, c. 786, §3 (NEW) .]

#### **SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 786, §§1-3 (AMD). 2001, c. 234, §§1,2 (AMD).

## **§1752. MOTOR VEHICLES EXEMPT FROM INSPECTION**

The following are exempt from inspection: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Registered in another state.** A motor vehicle owned and registered in another state and displaying a valid certificate of inspection from another state or a federally approved commercial vehicle inspection program;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Farm tractors.** A farm tractor;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Antique autos.** An antique auto;

[ 2013, c. 381, Pt. A, §4 (AMD) .]

**4. Farm truck.** A farm truck that:

A. Is operated within a 20-mile radius from the main entrance of the farm where the vehicle is customarily kept; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. Has a partial annual inspection of the running gear, steering mechanism, brakes, exhaust system and lights; safety glass under section 1915; and tires under section 1917; and [2005, c. 314, §7 (AMD) .]

C. Bears the name of the municipality in which the excise tax is paid in 4-inch letters on the left door of the cab; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

[ 2005, c. 314, §7 (AMD) .]

**5. Island vehicles.** A motor vehicle that is:

A. Used for the conveyance of passengers; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. Registered for a fee of \$2 under section 501, subsection 2-A; and [2001, c. 471, Pt. A, §30 (AMD) .]

C. Operated exclusively on an island having no roads maintained or supported by the State; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

[ 2001, c. 471, Pt. A, §30 (AMD) .]

**6. Moped or motorized bicycle or tricycle.** A moped or a motorized bicycle or tricycle;

[ 2007, c. 348, §1 (AMD) .]

**7. Fish truck.** A fish truck that:

A. Is operated within a 20-mile radius of the municipality where excise tax on the truck is paid; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. Has a partial annual inspection consisting of the running gear, steering mechanism, brakes, exhaust system and lights; safety glass under section 1915; and tires under section 1917, subsection 3; and [2005, c. 314, §8 (AMD) .]

C. Bears the name of the municipality in which the excise tax is paid in 4-inch letters on the left door of the cab; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

[ 2005, c. 314, §8 (AMD) .]

**8. Woods tractor.** A converted motor vehicle used as a tractor solely for logging purposes that:

A. Is registered as a tractor pursuant to section 509 or exempt from registration pursuant to section 510; [1997, c. 437, §42 (RPR).]

B. Is operated only during daylight hours, only within a 10-mile radius of the premises where the tractor is customarily kept and only between those premises and:

(1) A woodlot used for logging purposes by the owner; and

(2) A filling station or garage for fuel or repairs; and [1997, c. 437, §42 (RPR).]

C. Has a partial annual inspection of running gear, steering mechanism, brakes and exhaust system and tires under section 1917, subsection 3; [2003, c. 125, §2 (AMD); 2003, c. 397, §5 (AMD).]

[ 2003, c. 125, §2 (AMD); 2003, c. 397, §5 (AMD) .]

**9. Registered in this State.** A motor vehicle registered in this State displaying a valid certificate of inspection from another state or a federally approved commercial vehicle inspection program for one year after the date of inspection;

[ 2005, c. 314, §9 (AMD) .]

**10. Experimental motor vehicle.** A vehicle registered as an experimental motor vehicle pursuant to section 470. An experimental motor vehicle must meet minimum equipment standards pursuant to section 470, subsection 2;

[ 2011, c. 8, §1 (AMD) .]

**11. Low-speed vehicle.** A low-speed vehicle registered pursuant to section 501, subsection 11. A low-speed vehicle must be equipped in accordance with section 1925; and

[ 2011, c. 8, §2 (AMD) .]

**12. Antique motorcycle.** An antique motorcycle registered under section 457.

[ 2011, c. 8, §3 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 437, §42 (AMD). 2001, c. 471, §A30 (AMD). 2003, c. 125, §§2-4 (AMD). 2003, c. 397, §§5-8 (AMD). 2003, c. 688, §A34 (AMD). 2005, c. 314, §§7-9 (AMD). 2007, c. 348, §1 (AMD). 2011, c. 8, §§1-3 (AMD). 2013, c. 381, Pt. A, §4 (AMD).

## §1753. INSPECTION OF COMMERCIAL VEHICLES, TRAILERS AND SEMITRAILERS

**1. Inspection required.** Except as provided in subsection 4, a commercial motor vehicle that is required to be registered in this State, is used in intrastate or interstate commerce and has a gross vehicle weight or gross vehicle weight rating greater than 10,000 pounds, including the gross vehicle weight rating or gross weight of any trailer or semitrailer, must be inspected annually pursuant to this chapter. Except as provided in subsection 4, a trailer or semitrailer that has a gross vehicle weight or gross vehicle weight rating greater than 7,000 pounds, independent of the towing vehicle, must be inspected annually. A trailer or semitrailer must also be inspected annually when:



A. Engaged in interstate commerce and used with a motor vehicle that has a gross vehicle weight or gross vehicle weight rating greater than 10,000 pounds, including the gross vehicle weight or gross vehicle weight rating of a trailer or semitrailer and load; or [2007, c. 348, §2 (NEW).]

B. Except as provided in subsection 4, engaged in intrastate commerce and used with a motor vehicle that has a gross vehicle weight or gross vehicle weight rating greater than 10,000 pounds, including the gross vehicle weight or gross vehicle weight rating of a trailer or semitrailer and load. [2007, c. 348, §2 (NEW).]

[2007, c. 348, §2 (AMD).]

**2. Scope of inspection.** The Chief of the State Police shall adopt rules for the inspection required by subsection 1 that meet the requirements of 49 Code of Federal Regulations, Section 396.17.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**3. Fee.** Except as provided in this subsection, the fee for an inspection under this section is based on the inspector's normal hourly labor charge and is due whether or not the vehicle passes inspection. A licensed inspection station shall post the hourly labor charge in a conspicuous place.

The fee for an inspection under this section of a farm truck registered under section 505 is \$45. The inspection fee is payable whether the vehicle passes inspection or not.

[2007, c. 190, §1 (AMD).]

**4. Vehicles exempt from annual inspection.** The following vehicles are exempt from the requirements of this section:

A. When used exclusively in intrastate commerce, a trailer or semitrailer with a gross vehicle weight, including any load, that does not exceed 3,000 pounds; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. When used exclusively in intrastate commerce, a semitrailer designed and used exclusively for dispensing cable from reels attached to the semitrailer, commonly called a reel trailer, and any semitrailer designed and used exclusively to support the ends of poles being transported, commonly called a pole dolly, when the gross weight of the semitrailer and load does not exceed 12,000 pounds; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Any mobile home, empty storage trailer or empty storage semitrailer displaying a trailer transit plate in accordance with section 954, subsections 4 and 5; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. A farm truck or a fish truck exempted under section 1752; [2007, c. 348, §3 (AMD).]

E. A trailer or semitrailer displaying a valid certificate of inspection from another state or a federally approved commercial vehicle inspection program until the normal expiration of its certificate of inspection; and [2007, c. 348, §4 (AMD).]

F. A camp trailer. [2007, c. 348, §5 (NEW).]

[2007, c. 348, §§3-5 (AMD).]

**5. Proof of inspection.** Proof of inspection must be shown either by a report that certifies that the inspection satisfies the requirements of this section or by an inspection sticker placed on the vehicle. If proof is shown by a report, the report must be produced on the demand of a law enforcement officer.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2007, c. 190, §1 (AMD). 2007, c. 348, §§2-5 (AMD).

## §1754. INSPECTION BY DEALERS AND TRANSPORTERS

**1. Inspection standards.** A holder of a dealer license or a transporter registration certificate may permit a vehicle to be operated on a public way only if the vehicle:

- A. Meets inspection standards; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- B. Is owned by the dealer or holder of the transporter registration certificate and is operated by the owner or the owner's employee for the sole purpose of travelling to a body repair establishment and is mechanically safe but requires body repairs; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- C. Is sold or transferred to another person, meets inspection standards and displays a valid certificate of inspection issued within 60 days of the sale or transfer; [2001, c. 180, §1 (AMD).]
- D. If operated by a dealer or holder of a transporter registration certificate, is operated only from a point of purchase to the licensee's place of business. For the purposes of this paragraph, "point of purchase" includes, but is not limited to, an auto auction, distribution center or another licensed vehicle dealer; or [2001, c. 180, §1 (AMD).]
- E. Is owned by the dealer or holder of the transporter registration certificate and is operated by the owner or the owner's employee for the sole purpose of traveling to an inspection facility. [2001, c. 180, §2 (NEW).]

This subsection does not allow the operation of an unsafe motor vehicle on a public way.

[ 2001, c. 180, §§1, 2 (AMD) .]

**1-A. New motor vehicles exempt from inspection.** A new motor vehicle owned by a new vehicle dealer, as defined in section 851, subsection 9, with a dealer plate is exempt from motor vehicle inspection requirements under section 1751 only if the motor vehicle is operated in a manner consistent with section 1002, subsection 1, paragraphs A and E. For purposes of this subsection, "new motor vehicle" means a motor vehicle of the current model year or model year immediately preceding the current model year that has not been previously registered or titled.

This subsection does not allow the operation of unsafe motor vehicles on a public way.

[ 2011, c. 191, §1 (NEW) .]

**2. Remove prior certificate.** If the vehicle bears a prior inspection certificate, that certificate must be removed.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Violations.** The provisions of this subsection apply to violations of this section.

A. A violation of this section is a traffic infraction for which a penalty of not more than \$1,000 for each violation may be assessed. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A violation of this section is also a violation of the provisions governing unfair trade practice under Title 5, chapter 10. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

C. It is not a defense to this section that the dealer or holder did not know that the vehicle did not meet inspection standards or required a certificate. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2001, c. 180, §§1,2 (AMD). 2011, c. 191, §1 (AMD).

## §1755. INSPECTION OF FIRE TRUCKS

A fire chief, or a municipal official of a municipality without a fire chief, may contract with a licensed inspection station for a licensed inspection mechanic to perform an inspection at the location where fire trucks are customarily kept. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1756. INSPECTION STANDARDS

### 1. Inspection standards. Equipment subject to inspection must:

A. Be in good working order; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Be safely attached or secured to the chassis or body of the vehicle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Be mechanically safe; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Not pose a hazard to the occupant of the vehicle or to the general public; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. Meet the standards set forth in rules adopted by the Chief of the State Police. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Inspection standard for catalytic converter.** Notwithstanding the inspection standards of subsection 1, a catalytic converter subject to the inspection required by section 1751, subsection 2, paragraph N must meet the rules promulgated by the Chief of the State Police and must be safely attached or secured to the chassis or body of the vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Windows.** In addition to the standards set forth in subsection 1, windows must meet the standards of sections 1915 and 1916.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Fenders.** Except as provided by section 1953, subsection 2, paragraph E, a motor vehicle other than a street rod must be equipped with fenders or fenders and extensions. When a wheel and tire are installed that permit the tire tread to extend beyond the natural fender configuration, the fenders must be modified or extended to cover the exposed tire tread.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Safety seat belts.**

[ 2007, c. 348, §6 (RP) .]

**6. Inspection standard for fuel tank cap.** Notwithstanding the inspection standards of subsection 1, a fuel tank cap subject to the inspection required by section 1751, subsection 2-A, paragraph B must meet the standards in rules adopted by the Chief of the State Police. The Chief of the State Police shall adopt rules to establish procedures and standards for a fuel tank cap pressure test.

[ 1997, c. 786, §4 (NEW) .]

**7. Inspection standard for on-board diagnostic system.** Notwithstanding the inspection standards of subsection 1, an on-board diagnostic system subject to the inspection required by section 1751, subsection 2-A, paragraph C must meet the standards in rules adopted by the Chief of the State Police. The Chief of the State Police shall adopt rules that meet the requirements of 40 Code of Federal Regulations, Part 85 for on-board diagnostic test procedures, standards and equipment.

[ 1997, c. 786, §4 (NEW) .]

SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 786, §4 (AMD). 2007, c. 348, §6 (AMD).

## §1757. STANDARD FOR REJECTION FOR NONFUNCTIONING EQUIPMENT

A motor vehicle must be rejected for violation of the inspection standard for equipment if any equipment described in section 1751, subsection 2 does not function sufficiently for the safety of the general public or is loose and not securely attached to the vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1758. ISSUANCE OF STICKER; PLACEMENT ON VEHICLE

**1. Windshield placement.** If a motor vehicle meets the inspection standard, an official inspection sticker must be placed in the lower left-hand corner of the windshield or in the center of the windshield in back of the rearview mirror.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Without windshield.** If the vehicle is not normally equipped with a windshield, the certificate of inspection must be kept with the registration certificate of the vehicle. This subsection does not apply to motorcycles.

[ 2009, c. 624, §1 (AMD); 2011, c. 167, §3 (AFF) .]

**3. Motorcycles; proof of inspection.** If a motorcycle meets the inspection standard, upon payment of applicable inspection fees pursuant to section 1751, subsection 3-A a valid certificate of inspection and an official inspection sticker for the motorcycle must be issued. The certificate of inspection must be kept with the registration certificate of the motorcycle and the official inspection sticker must be affixed to the rear of the motorcycle on the registration plate.

A. [2011, c. 167, §3, 7 (AFF); 2011, c. 167, §2 (RP).]

B. [2011, c. 167, §3, 7 (AFF); 2011, c. 167, §2 (RP).]

The official inspection sticker must be located so that it is completely and clearly visible from the rear of the motorcycle. If the registration plate is reassigned to another motorcycle pursuant to section 463, subsection 4, the certificate of inspection and the official inspection sticker expire upon reassignment.

[ 2011, c. 167, §2 (AMD); 2011, c. 167, §3, 7 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2009, c. 624, §§1, 2 (AMD). 2009, c. 624, §4 (AFF). 2011, c. 167, §2 (AMD). 2011, c. 167, §3, 7 (AFF).

### §1759. TEMPORARY PERMITS AND WARNINGS

**1. Issuance.** A law enforcement officer, an employee of a municipal police department designated by the chief, an employee of a sheriff's department designated by the sheriff, an employee of the Department of Public Safety designated by the Chief of the State Police or an employee of the Bureau of Motor Vehicles designated by the Secretary of State may issue a permit allowing operation of an uninspected vehicle to an inspection station for inspection.

[ 2007, c. 348, §7 (AMD) .]

**2. Reconstructable vehicle.** This section does not apply to reconstructable motor vehicles as defined in Title 10, section 1471.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Warning.** The owner or operator of a vehicle operated with an expired inspection sticker during the first month immediately after expiration may not be issued a summons to court but may only be issued a warning. This warning must state that the vehicle must be inspected within 2 business days. Failure to comply with a warning is a violation punishable in accordance with section 1768.

[ 1993, c. 2, §23 (COR) .]

#### SECTION HISTORY

RR 1993, c. 2, §23 (COR). 1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 41, §2 (AMD). 2007, c. 348, §7 (AMD).

### §1760. EXAMINATION AND IMPOUNDMENT OF VEHICLES

**1. Examination for compliance.** A law enforcement officer in uniform may stop and examine a motor vehicle to determine whether the vehicle's equipment complies with the requirements of section 1756.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Scope of inspection.** The officer may demand and inspect the driver's license, the certificate of registration, permits and the identification numbers of the motor vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Probable cause for inspection.** A law enforcement officer may require the operator to proceed to an official inspection station and submit the vehicle to an inspection and tests as may be appropriate on reasonable grounds to believe that:

A. A vehicle is unsafe or not equipped as required by law; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The vehicle's equipment does not conform to the inspection standard. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1761. CERTIFIED INSPECTION MECHANICS

**1. Performance of inspection.** No person other than a holder of an inspection mechanic certificate may perform an inspection or issue or sign a certificate of inspection.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**1-A. Application and examination.** A person may submit an application with the required fee under subsection 3 for an inspection mechanic certificate to the Department of Public Safety, Bureau of State Police and complete the examination up to 6 months prior to the person's 18th birthday. The Bureau of State Police may process the application and test the applicant up to 6 months prior to the applicant's 18th birthday but may not issue the certificate until the applicant is 18 years of age.

[ 2003, c. 222, §1 (NEW) .]

**2. Requirements for inspection mechanic certification.** To receive an inspection mechanic certificate, an applicant must:

A. Pass a written or oral examination that is designed to test knowledge of motor vehicle inspection and the method of inspecting and testing motor vehicle equipment; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Be a person of honesty, integrity and reliability. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Examination fee.** Applicants for inspection mechanic certification must pay to the Chief of the State Police a fee of \$1 for an application for examination or for renewal of a certificate.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Term of certification.** An inspection mechanic certificate is valid for a period of 5 years from the date of issue.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Renewal.** An examination is not required if application for a renewal is made within one year of expiration.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Remission of certificate.**

[ 2009, c. 251, §5 (RP) .]

**7. Notification of change in place of employment.** Prior to inspecting vehicles for a new employer, the holder of an inspection mechanic certificate shall notify the Chief of the State Police of a change of place of employment.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Testing in parking area.** Notwithstanding sections 1251, 1252 and 1253, a certified inspection mechanic who has a valid operator's license of any class may operate a motor vehicle in a parking area adjacent to an official inspection station for the purpose of testing equipment as required by the rules adopted pursuant to this chapter.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 222, §1 (AMD). 2009, c. 251, §5 (AMD).

## §1762. OFFICIAL INSPECTION STATIONS

**1. Licensing of official inspection stations.** The Chief of the State Police may license garages as official inspection stations.

[ 2007, c. 348, §8 (AMD) .]

**2. Requirements.**

[ 2007, c. 348, §9 (RP) .]

**2-A. Requirements.** To qualify as an official inspection station, a garage must comply with rules adopted by the Chief of the State Police.

[ 2007, c. 348, §10 (NEW) .]

**3. Examination of premises and operator of garage.** Before a license is granted, the premises must be examined and the operator of the garage investigated as to reliability and fitness.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Term of license.** The license is valid for 2 years from the date of final license approval.

[ 2007, c. 348, §11 (AMD) .]

**5. Licenses not transferable.** A license may not be assigned or transferred or used at other than a designated location.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Posting of license on premises.** A license must be posted in a conspicuous place at the designated location.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Hearing; appeals.** If a person is aggrieved by the decision of the Chief of the State Police in refusing approval, that person may, within 30 days of notification of refusal to license, request a hearing before the Chief of the State Police or the chief's designee. After the hearing, if an applicant is aggrieved by the final action of the chief, the applicant may appeal the decision in accordance with Title 5, Part 18.

[ 2007, c. 348, §12 (AMD) .]

**8. Enhanced inspection stations.** Beginning January 1, 1999, official inspection stations located in Cumberland County shall offer enhanced inspections pursuant to section 1751, subsection 2-A and may not offer inspections pursuant to section 1751, subsection 2. Official inspection stations located outside of Cumberland County may offer inspections under section 1751, subsections 2 and 2-A. An inspection station that offers enhanced inspections shall employ an inspection mechanic certified to perform enhanced inspections.

[ 1997, c. 786, §5 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A101 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1997, c. 786, §5 (AMD). 2007, c. 348, §§8-12 (AMD).

## §1763. SUSPENSION OR REVOCATION OF LICENSE OR INSPECTION MECHANIC CERTIFICATE

Notwithstanding Title 5, section 10003, a State Police officer or employee of the State Police designated as a motor vehicle inspector may immediately suspend or revoke the license issued to any official inspection station or the inspection mechanic certificate issued to any inspecting mechanic for a violation of this chapter or the rules adopted pursuant to section 1769. The penalty for a first offense is a license suspension for a period of up to 6 months. The penalty for a 2nd or subsequent offense is a license suspension for a period of up to one year or license revocation. [2007, c. 348, §13 (AMD) .]

Pursuant to Title 5, chapter 375, the Chief of the State Police or the chief's designee shall schedule a hearing, if requested by the owner of an official inspection station, an employee of that station or the inspection mechanic, to review the suspension or revocation. The suspension or revocation remains in effect pending the final agency decision and during any appeal of that decision. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

As a prerequisite to reinstatement following a license suspension or revocation, the Chief of the State Police may require an inspection mechanic to satisfactorily complete the inspection mechanic examination provided for in section 1761, subsection 2. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 633, §3 (AMD). 2007, c. 348, §13 (AMD).



## §1764. FLEET INSPECTION STATIONS

**1. License by Chief of the State Police.** The Chief of the State Police may license fleet inspection stations to inspect 10 or more vehicles registered in the name of a single owner.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Requirements.** To qualify as a fleet inspection station, a station must:

A. [2007, c. 348, §14 (RP).]

B. Have at least 10 vehicles registered in the name of the fleet inspection station owner or be under contract to the owner of the fleet of vehicles for exclusive maintenance. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2007, c. 348, §14 (AMD) .]

**3. Limit to fleet vehicles.** Fleet station inspections are limited exclusively to fleet vehicles.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Employment of certified inspection mechanics.** A fleet inspection station must employ a sufficient number of certified inspection mechanics to inspect every vehicle in the fleet annually.

A certified inspection mechanic may inspect fleets of vehicles at the fleet station, if proper inspection equipment is available.

Fleet vehicles must be inspected by a certified inspection mechanic who may issue and sign inspection certificates.

Fleet vehicle inspectors are subject to the same provisions as certified inspection mechanics.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2007, c. 348, §14 (AMD) .

## §1765. OUT-OF-DOORS INSPECTIONS

A certified inspection mechanic may inspect a vehicle out-of-doors if: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Class of vehicles.** The vehicle conforms to the class of vehicle that the inspection station license authorizes for inspection; and

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Altered vehicles.** Alterations or additions to the basic design or structure of the vehicle not produced by the original manufacturer prevent the vehicle from entering inside the inspection station.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1766. INSPECTION STICKERS

**1. Stickers remain property of State.** Inspection stickers and materials issued to inspection stations by the Chief of the State Police remain the property of the State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Stock of stickers.** An inspection station must stock a sufficient number of stickers to meet all demands. The stickers must be made of a material and quality of adhesive prescribed by the Chief of the State Police.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Fee.** Except as provided in subsection 3-A, stickers are furnished by the Chief of the State Police at \$2.50 each.

[ 2011, c. 191, §2 (AMD) .]

**3-A. Fee for new vehicle dealers.** Stickers furnished to a new vehicle dealer, as defined in section 851, subsection 9, by the Chief of the State Police are \$3.50 each.

[ 2011, c. 191, §3 (NEW) .]

**4. Statement of intent to hire a certified mechanic.** If a station is disqualified by the loss of a certified mechanic, the owner shall, within 5 working days, return all stickers to the Chief of the State Police.

The owner may file a statement of intent to hire a certified inspection mechanic within 14 working days, in which case the Chief of the State Police shall hold the returned stickers for the licensee.

If a statement of intent is not filed, returned stickers may be reissued.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Return or refund of unused stickers.** Within 20 working days of the calendar year or the suspension, revocation or termination of an inspection license, unused or expired stickers must be returned to the Chief of the State Police and the purchase price refunded or exchanged for current year stickers. Refunds or exchanges may only be made for full sheets of unused stickers.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Return of inspection materials.** Upon suspension, revocation or termination of an inspection license, the station owner or manager shall return all inspection materials to the Chief of the State Police, who shall issue a receipt for the returned materials.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 786, §6 (AMD). 1997, c. 786, §14 (AFF). 2001, c. 234, §3 (AMD). 2011, c. 191, §§2, 3 (AMD).

## §1767. DISPOSITION OF FEES

The revenues generated by this chapter must be credited to the General Highway Fund. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1768. UNLAWFUL ACTS

**1. Display of fictitious certificate.** A person commits a Class E crime if that person displays or permits to be displayed on a vehicle a certificate of inspection knowing the certificate to be fictitious or issued to another vehicle or issued without an inspection having been made.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Use of counterfeit certificate of inspection.** A person commits a Class E crime if the person makes, possesses, issues or knowingly uses an imitation or counterfeit of an official certificate of inspection or a certificate of inspection that was not issued by an official inspection station in accordance with law.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Misrepresentation of vehicle inspection station.** A person commits a Class E crime if that person represents a place as an official inspection station and the station is not operating under a valid license.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Issuance of certificate for substandard vehicle.** A person commits a Class E crime if that person knowingly causes an official inspection sticker to be attached to a vehicle that does not conform to the inspection standard.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Operation of defective vehicle.** A person may not operate a vehicle on a public way with equipment on the vehicle that does not conform to the standards set forth in rules adopted by the Chief of the State Police pursuant to section 1769.

A. Except as provided in paragraphs B and C, a person who violates this subsection commits a traffic infraction. [2003, c. 688, Pt. C, §13 (NEW).]

B. A person who violates this subsection commits a Class E crime if the vehicle is unsafe for operation because it poses an immediate hazard to an occupant of the vehicle or the general public. [2003, c. 688, Pt. C, §13 (NEW).]

C. A person who violates this subsection and is involved in a motor vehicle accident caused by nonconformance with the rules adopted by the Chief of the State Police pursuant to section 1769 commits a Class E crime. [2003, c. 688, Pt. C, §13 (NEW).]

[ 2003, c. 688, Pt. C, §13 (RPR) .]

**6. Alteration after inspection.** A person commits a Class E crime if that person alters equipment after inspection so that the equipment does not conform to the standards of this subchapter.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Operation of vehicle without certificate of inspection.** An owner or operator of a vehicle required to be inspected commits a traffic infraction if that person operates that vehicle or permits that vehicle to be operated without displaying a current and valid certificate of inspection or producing the certificate on demand of a police officer.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Performance of inspections, issuance of inspection certificate by a person with a suspended or revoked inspection mechanic license.** A person commits a Class E crime if, at a time when the person's inspection mechanic license is suspended or revoked pursuant to section 1763, the person:

A. Performs a state motor vehicle inspection or federally approved motor vehicle inspection in order for a certificate of inspection or report to be issued by a 3rd party; or [2011, c. 448, §1 (NEW); 2011, c. 448, §4 (AFF).]

B. Issues a state or federally approved certificate of inspection or report. [2011, c. 448, §1 (NEW); 2011, c. 448, §4 (AFF).]

[ 2011, c. 448, §1 (NEW); 2011, c. 448, §4 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 688, §C13 (AMD). 2011, c. 448, §1 (AMD). 2011, c. 448, §4 (AFF).

## §1769. RULES

**1. Scope.** The Chief of the State Police may adopt rules:

A. For the administration and enforcement of this chapter; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. To designate periods of time during which owners of vehicles must display or produce a certificate of inspection; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Concerning the inspection of registered special mobile equipment not ordinarily operated over the highway. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**1-A. Delay in effective date.** Except for emergency rules adopted under Title 5, section 8054, rules adopted under this section take effect 30 days after filing with the Secretary of State under Title 5, section 8056, subsection 1, paragraph B.

[ 2007, c. 135, §1 (NEW); 2007, c. 135, §2 (AFF) .]

**2. Review of rules by Legislature.** Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

[ 2003, c. 340, §2 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 183, §4 (AMD). 2003, c. 340, §2 (AMD). 2007, c. 135, §1 (AMD). 2007, c. 135, §2 (AFF).

## §1770. PENALTIES

**1. General penalty.** Notwithstanding Title 17-A, and unless otherwise specified, a violation of this chapter is a Class E crime, punishable by a fine of not less than \$25 nor more than \$500 or by imprisonment for not more than 30 days, or by both.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Traffic infraction.** A violation of the rules adopted by the Chief of the State Police pertaining to this subchapter is a traffic infraction subject to a forfeiture of not less than \$25 nor more than \$250.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §2 (NEW).

## Subchapter 2: REPAIR

## §1801. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Customer.** "Customer" means a person, including, but not limited to, an agent, who contracts with a repair facility for repair of a motor vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Flat rate.** "Flat rate" means a method of calculating charges for labor that is based on the specific repair done and not on the amount of time actually spent on that repair.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Repair.** "Repair" means the examination, maintenance, servicing, adjustment, improvement, replacement, removal or installation of a part of a motor vehicle, including, but not limited to, body work, painting and incidental services such as storage and towing, and excluding the sale of motor fuel.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Repair facility.** "Repair facility" means a motor vehicle repair facility offering services to the general public for compensation.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Shop supplies.** "Shop supplies" means small parts and materials used or consumed in the process of repair, including, but not limited to, nuts and bolts, electrical wire, rags, tape, brake cleaners and other items maintained as inventory.

[ 2005, c. 189, §1 (NEW) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2005, c. 189, §1 (AMD) .

## §1802. MAXIMUM CHARGE FOR REPAIR

**1. Written designation by customer.** Before a repair facility begins repairing a customer's motor vehicle, the customer may designate in writing a specific amount of charges for repair in excess of which the customer does not agree to be liable without further specific agreement, either oral or written.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. No liability without agreement.** A customer is not liable for a charge in excess of the specific amount designated in accordance with subsection 1 without further specific oral or written agreement. A repair facility shall charge a customer by using the same labor rate per hour and shop supplies calculation as is used in any estimate the repair facility provides.

[ 2005, c. 189, §2 (AMD) .]

**3. Shop supplies.** A repair facility may bill for shop supplies calculated as a percentage of labor or by other calculation, if disclosed to the customer, as a single line item.

[ 2005, c. 189, §3 (NEW) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2005, c. 189, §§2,3 (AMD).

## §1803. INSPECTION OF PARTS

Before demanding payment of any charge, a repair facility must allow a customer to inspect replaced parts and must return replaced parts to the customer on request unless the facility is required to return the parts to the manufacturer or distributor under a bona fide warranty or exchange arrangement. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1804. USED PARTS

Unless the customer specifically agrees before installation of the part, a repair facility may not install a used, reconditioned or rebuilt part. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1805. NOTICES

**1. Form of notice.** A repair facility must post the following notice in a place where it is reasonably likely to be seen by customers. The notice must be completed with information on charges and printed so that it is conspicuous and can be read by the average person.

The following form must be used:

"NOTICE TO OUR CUSTOMERS  
REQUIRED UNDER STATE LAW

Before we begin making repairs, you have a right to put in writing the total amount you agree to pay for repairs. You will not have to pay anything over that amount unless you agree to it when we contact you later.

Before you pay your bill, you have a right to inspect any replaced parts. You have a right to take with you any replaced parts, unless we are required to return the parts to our distributor or manufacturer.

We can not install any used or rebuilt parts unless you specifically agree in advance.

You can not be charged any fee for exercising these rights.

**WE CHARGE \$ PER HOUR FOR LABOR.**

(We round off the time to the nearest .)"

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Flat rate.** The notice must also contain the following if it applies:

"We also charge a flat rate for some repairs. Our service manager will explain what a flat rate is and show you how much it may cost you. A flat-rate charge may not match the time actually spent repairing your vehicle. PLEASE ASK US WHETHER WE WILL CHARGE YOU BY THE HOUR OR BY A FLAT RATE. We use the same labor rate method in any estimate we provide and any bill you receive."

[ 2005, c. 189, §4 (AMD) .]

**3. Availability of guide.**

[ 2005, c. 189, §5 (RP) .]

**4. Shop supplies.** If the repair facility charges a separate line item for shop supplies, the notice must also contain the following:

"WE CHARGE ..... FOR SHOP SUPPLIES. Our service manager will explain shop supplies and how much they may cost you."

[ 2005, c. 189, §6 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 221, §1 (AMD). 2005, c. 189, §§4-6 (AMD).

### §1806. FEE PROHIBITED

A repair facility may not, directly or indirectly, charge a fee for performing an obligation or for exercising a right under this subchapter. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1807. UNFAIR TRADE PRACTICE

A repair facility's failure to comply with this subchapter constitutes an unfair trade practice under Title 5, chapter 10. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1808. WAIVER PROHIBITED

The duties imposed by and rights created under this subchapter may not be waived or otherwise modified. Any waiver or modification is contrary to public policy and is void and unenforceable. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1809. SAVINGS CLAUSE

This subchapter is in addition to and does not limit or replace other rights or procedures provided by statute or common law. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## Subchapter 3: ABANDONED VEHICLES

## §1851. APPLICATION

This subchapter applies to a vehicle that is: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Towed at request of owner or driver.** Towed at the request of the owner or driver;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Towed because illegally parked or left standing or at officer's discretion.** Towed pursuant to section 2068 or 2069 or at the direction of a law enforcement officer;

[ 2007, c. 150, §1 (AMD) .]

**3. Towed because left without permission.** Towed after being left on property without permission;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Left without permission.** Left on property without the permission of the property owner or person in charge of the property or premises where the vehicle is located;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Left after repair completed.** Left at a place of business after being repaired pursuant to a written work order signed by the person requesting the repair work;

[ 2013, c. 496, §14 (AMD) .]



**6. Left on residential property.** Left on an individual's residential property for more than 6 months; or

[ 2013, c. 496, §14 (AMD) .]

**7. Left at storage facility.** Left at a storage facility, if the owner has failed to pay storage or rental fees.

[ 2013, c. 496, §15 (NEW) .]

A vehicle towed for snow removal purposes is exempt from the provisions of this subchapter for 48 hours immediately following completion of the tow. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

A vehicle abandoned on an island without road access to the mainland is subject to the provisions of section 1860. [1995, c. 65, Pt. A, §102 (NEW); 1995, c. 65, Pt. A, §153 (AFF).]

A vehicle left without a transferable title on the premises of an independent entity that temporarily stores a damaged or dismantled vehicle pursuant to an agreement with an insurance company, financial institution or dealer and that is engaged in the sale or resale of damaged or dismantled vehicles is subject to the provisions of section 1862. [2011, c. 88, §1 (NEW).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A102 (AMD). 1995, c. 65, §§A153, C15 (AFF). 2007, c. 150, §1 (AMD). 2011, c. 88, §1 (AMD). 2013, c. 496, §§14, 15 (AMD).

## §1852. ABANDONMENT DEFINED

For the purposes of this subchapter, a vehicle is considered "abandoned" if the owner or lienholder does not retrieve it and pay all reasonable charges for towing, storing and authorized repair of the vehicle within 14 days after the notices to the owner and lienholder are sent by the Secretary of State or 14 days after the advertisement is published as required in section 1854, subsection 4. There is a rebuttable presumption that the last owner of record of a motor vehicle found abandoned as shown in the files of the office of the Secretary of State is the owner of the motor vehicle at the time it was abandoned and the person who abandoned it. [2011, c. 46, §1 (AMD).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 137, §1 (AMD). 2007, c. 150, §2 (AMD). 2011, c. 46, §1 (AMD).

## §1853. LETTER OF OWNERSHIP OR CERTIFICATE OF TITLE

If a person abandons a vehicle as described in section 1851, the owner of the premises or property where the vehicle is located may obtain a letter of ownership or a certificate of title by complying with this subchapter. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1854. NOTIFICATION OF VEHICLE OWNER

**1. Notification in writing.** The owner of the premises where an abandoned vehicle is located or the owner's agent shall notify the Secretary of State that the owner or the owner's agent is in possession of an abandoned vehicle. The notification must be in writing and on a form provided by the Secretary of State.

[ 2007, c. 150, §3 (AMD) .]

**2. Contents of notification.** This notification must include the vehicle's make, model, year, body type, vehicle identification number and any registration and plates on the vehicle. This notification also must include the date the vehicle came into possession of the owner, the owner's agent or person in charge of the premises where the vehicle is located, under what circumstances the vehicle came into that person's possession and whether the vehicle is salvage.

[ 2007, c. 150, §4 (AMD) .]

**3. Response.** On receipt of the notification, the Secretary of State shall inform the vehicle owner and lienholder, if any, by regular mail that the vehicle is being claimed under the abandoned vehicle law. The notice to the vehicle owner and lienholder, if any, must identify the vehicle by the year, make, model and vehicle identification number, give the name and address of the party claiming ownership, state the charges against the vehicle that the owner and lienholder, if any, must pay to retrieve the vehicle, and the date that the title or letter of ownership will pass to the new owner. If the party is claiming ownership of the vehicle pursuant to section 603, subsection 6, the notice must inform the vehicle owner and lienholder that the owner must pay to the Secretary of State the fee required in section 603 to transfer the title. A copy of this letter must be provided to the person claiming ownership.

[ 2009, c. 435, §21 (AMD) .]

**4. Publication.** If the Secretary of State finds no record of the vehicle, the owner of the premises where the vehicle is located shall publish a notice once in a newspaper of general circulation in the county where the premises is located. That notice must clearly:

A. Describe the vehicle by the year, make, model and vehicle identification number; [1999, c. 137, §1 (AMD) .]

B. State that if the owner of the vehicle or lienholder has not properly retrieved it and paid all reasonable charges for its towing, storage and repair within 14 days from the publication, ownership of the vehicle passes to the owner of the premises where the vehicle is located; and [2011, c. 46, §2 (AMD) .]

C. State how the owner of the premises may be contacted. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

[ 2011, c. 46, §2 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 137, §1 (AMD). 2001, c. 563, §3 (AMD). 2007, c. 150, §§3-5 (AMD). 2009, c. 435, §21 (AMD). 2011, c. 46, §2 (AMD).

### **§1855. OWNER OR LIENHOLDER KNOWN (REPEALED)**

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 137, §2 (RP).

## §1856. CHANGE OF OWNERSHIP

**1. Evidence of compliance.** A person who has complied with section 1854, subsection 4 shall present evidence of compliance to the Secretary of State immediately after the 14-day notice period. The Secretary of State may not issue a letter of ownership or certificate of title until at least 21 days after the date on which the person who has possession of and control over the vehicle notified the Secretary of State by complying with section 1854, subsections 1 and 2.

[ 2011, c. 46, §3 (AMD) .]

**2. Issuance of certificate; letter of ownership.** The Secretary of State, upon being satisfied that notice has been made to all parties with an interest in the vehicle, may issue certificates of title or letters of ownership as follows.

A. For a vehicle not required to be titled, on presentation of sufficient evidence and payment of a \$5 fee, the Secretary of State may issue a letter of ownership to the owner of the premises on which the vehicle is located. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. For vehicles subject to chapter 7, on presentation of sufficient evidence and application for certificate of title in accordance with section 654 and payment of a fee set forth in section 603, the Secretary of State may issue a certificate of title to the owner of the premises on which the vehicle is located. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

[ 1999, c. 137, §3 (AMD) .]

If the owner or lienholder of the vehicle retrieves it and pays the towing, storage and repair charges before the Secretary of State issues a letter of ownership or certificate of title, the person holding the vehicle must immediately release it to the person paying the charges and must immediately notify the Secretary of State of the release. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

A person who refuses to release a vehicle when reasonable charges are paid or does not notify the Secretary of State that the vehicle is no longer in the person's possession commits a Class E crime. [1999, c. 137, §3 (NEW) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 137, §3 (AMD). 2007, c. 150, §6 (AMD). 2011, c. 46, §3 (AMD).

## §1857. LIMITS

If the notification to the Secretary of State required by section 1854 is made more than 14 days after receipt of a vehicle described in section 1851, the person holding the vehicle may not collect more than 14 days of storage fees. Daily storage charges must be reasonable and total storage charges may not exceed \$900 for a 30-day period. [2011, c. 46, §4 (AMD) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 137, §3 (AMD). 2007, c. 150, §7 (AMD). 2011, c. 46, §4 (AMD).

## §1858. ABANDONMENT OF VEHICLE ON PUBLIC WAY

Abandonment of a vehicle on a public way is a traffic infraction for which a fine of not less than \$250 must be assessed. A person who is found to have abandoned a vehicle under this section is responsible for any towing or other charges that are directly related to the abandonment of the vehicle. [2007, c. 150, §8 (AMD).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A103 (AMD). 1995, c. 65, §§A153,C15 (AFF). 2007, c. 150, §8 (AMD).

## §1859. REMOVAL OF VEHICLE

Removal of a vehicle described in section 1851 or of any part or accessory from the vehicle without the written consent of the person in charge or the owner of the premises or property where the vehicle is located is a Class E crime. This section applies to all persons, including the owner of the vehicle. [1995, c. 65, Pt. A, §104 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A104 (AMD). 1995, c. 65, §§A153,C15 (AFF).

## §1860. ABANDONMENT ON AN ISLAND

A person may not abandon a motor vehicle on any property on an island without consent of the owner of the property. The State, municipality or other political subdivision having jurisdiction over the island may order the owner of a vehicle illegally abandoned on an island to remove it at the vehicle owner's expense. If the owner of the vehicle refuses to remove the motor vehicle, or if the owner is unknown, the State or political subdivision may cause the vehicle to be removed from the island and may require reimbursement from the owner for the removal and the administrative and legal costs. Neither the State nor any political subdivision of the State is liable for any damage to the motor vehicle that may be caused by the removal. Failure to remove an illegally abandoned vehicle on an island within 30 days after written warning, or within 30 days of ice-out if ice prevents the island from being reasonably accessible, is a Class E crime. [1995, c. 65, Pt. A, §105 (NEW); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF).]

### SECTION HISTORY

1995, c. 65, §A105 (NEW). 1995, c. 65, §§A153,C15 (AFF).

## §1861. HOLDING VEHICLE AND ITS ACCESSORIES

A person holding or storing an abandoned vehicle, holding or storing a vehicle towed at the request of the vehicle's operator, owner or owner's agent or holding or storing a vehicle stored at the request of a law enforcement officer may hold the vehicle and all its accessories, contents and equipment, not including the personal effects of the registered owner, until reasonable towing and storage charges of the person holding or storing the vehicle are paid. [2007, c. 150, §9 (NEW).]

For purposes of this section, "personal effects" includes medications, medical equipment, clothing, mail, child safety seats and similar items. Except for child safety seats, items attached to the vehicle and business equipment, machinery and tools are not considered personal effects. [2007, c. 150, §9 (NEW).]

### SECTION HISTORY

2007, c. 150, §9 (NEW).

## §1862. LEFT WITH AN INDEPENDENT ENTITY

**1. Release of vehicle.** An insurance company, financial institution or dealer may direct an independent entity that obtains possession of a vehicle to release the vehicle to the owner. The insurance company, financial institution or dealer shall provide the independent entity a release statement under subsection 2 authorizing the independent entity to release the vehicle to the vehicle's owner.

[ 2011, c. 88, §2 (NEW) . ]

**2. Release statement.** A release statement authorizing an independent entity under subsection 1 to release a vehicle to a vehicle's owner must be on a form prescribed by the bureau and contain the following information:

A. The insurance policy and claim number relating to the vehicle; [ 2011, c. 88, §2 (NEW) . ]

B. The name and address of the insured owner of the vehicle; [ 2011, c. 88, §2 (NEW) . ]

C. The vehicle identification number and description of the vehicle; and [ 2011, c. 88, §2 (NEW) . ]

D. The signature of an authorized representative of the insurance company, financial institution or dealer. [ 2011, c. 88, §2 (NEW) . ]

[ 2011, c. 88, §2 (NEW) . ]

**3. Notice to owner.** Upon receiving a release statement concerning a vehicle from an insurance company, financial institution or dealer under subsection 1, an independent entity shall send a notice to the owner of the vehicle that the vehicle is available for pickup by the owner. The notice must contain an invoice for any outstanding charge owed the independent entity, including an initial towing or storage charge paid to a 3rd party, and inform the owner that the owner has 30 days from the date of the postmark on the notice to pick up the vehicle from the independent entity. A notice under this subsection must be sent by first class mail to the owner's address on record with the bureau.

[ 2011, c. 88, §2 (NEW) . ]

**4. Abandonment.** If the owner of a vehicle does not pick up the vehicle within 30 days after notice was sent to the owner pursuant to subsection 3, the vehicle is considered abandoned and the independent entity may apply for a certificate of title or certificate of salvage as set forth in this subchapter. The independent entity shall provide the bureau with a copy of the release statement under subsection 1, proof of notice under subsection 3 and any other supporting documentation and fees as determined necessary by the bureau with the application for certificate of title or certificate of salvage.

[ 2011, c. 88, §2 (NEW) . ]

**5. Rules.** The bureau may adopt rules to carry out the purposes of this section. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

[ 2011, c. 88, §2 (NEW) . ]

### SECTION HISTORY

2011, c. 88, §2 (NEW) .

## Chapter 17: EQUIPMENT

### Subchapter 1: GENERAL PROVISIONS

#### §1901. GENERAL RESTRICTION

A person may not use a vehicle on a public way or sell or equip a vehicle for use on a public way with aftermarket equipment contrary to this Title or contrary to the rules of the Chief of the State Police. [ 2007 , c. 121, §1 (AMD). ]

##### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2007, c. 121, §1 (AMD).

#### §1902. BRAKES

**1. General rule.** A motor vehicle must have adequate brakes in good working order that are sufficient to control the vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**2. Specific standards.** Brakes must be adjusted so as to stop:

A. A 2-wheel brake vehicle, within a distance of 45 feet, from a speed of 20 miles per hour; [ 1993 , c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

B. A 4-wheel brake vehicle, within 30 feet, from a speed of 20 miles per hour; or [ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

C. A motorcycle, within 30 feet, from a speed of 20 miles per hour. [ 2005, c. 577, §22 (AMD). ]

[ 2005, c. 577, §22 (AMD) . ]

**3. Parking brakes.** A vehicle, except a 2-wheel motorcycle, must be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. Parking brakes:

A. Must be capable of being applied by the driver's muscular effort, spring action or equivalent means; [ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

B. May be operated with assistance of the service brakes or other source of power, provided that failure of the service brake actuation system or other power assisting mechanism does not prevent the parking brakes from being applied; [ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

C. Must be designed so that, once applied, they remain applied with the required effectiveness despite leakage or exhaustion of any source of energy; [ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

D. May share the same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanisms associated with the wheel brake assemblies used for service brakes; and [ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

E. If the means of applying the parking and service brakes are connected, must be constructed so that failure of one part does not leave the vehicle without operative brakes. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2005, c. 577, §23 (AMD) .]

**4. Trucks; specific requirements.** Special mobile equipment or a truck, truck tractor, trailer or semitrailer must be equipped with adequate brakes acting on all wheels of all axles, except that the following need not meet this requirement:

A. A trailer or semitrailer not exceeding a gross weight of 3,000 pounds; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A vehicle towed by use of a wrecker; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A vehicle meeting braking requirements of the motor carrier safety regulations of the United States Department of Transportation; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. A semitrailer with a gross weight of semitrailer and load not to exceed 12,000 pounds, designed and used exclusively:

(1) For the dispensing of cable from attached reels, commonly called a reel trailer; or

(2) To support the end of poles while being transported, commonly called a pole dolly; and [1999, c. 183, §5 (AMD) .]

F. A dolly axle, so-called, on a farm truck transporting agricultural products and supplies.

A dolly axle may not be considered in determining the gross weight or axle limits permitted on the vehicle.

A 2-axle or 3-axle farm truck equipped with a dolly axle is considered a 2-axle or 3-axle vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1999, c. 183, §5 (AMD) .]

**5. Multiple axles.** If equipped with 3 or more axles, a truck, tractor or truck tractor manufactured prior to August 1, 1980 need not have brakes on the front wheels; if the vehicle is equipped with 2 or more steerable axles, the wheels of one such axle need not have brakes.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Rules.** The Chief of the State Police may adopt rules governing the sufficiency and adjustment of brakes.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 183, §5 (AMD). 2005, c. 577, §§22,23 (AMD).

### §1903. ADEQUATE SIGNALING DEVICE; USE

**1. Signaling device required.** A person may not operate a motor vehicle without a suitable and adequate horn or other device for signaling.

[ 2003, c. 452, Pt. Q, §19 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Unnecessarily sounded.** A person may not unnecessarily sound a signaling device or horn.

[ 2003, c. 452, Pt. Q, §19 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 452, §X2 (AFF). 2003, c. 452, §Q19 (RPR).

## §1904. HEADLIGHTS

**1. General rules; headlights.** A person may not operate a motor vehicle that does not meet the following requirements concerning headlights.

A. A motor vehicle must be equipped with headlights. [2003, c. 452, Pt. Q, §20 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Headlights must be of sufficient power and so adjusted and operated as to enable the operator to proceed with safety under all ordinary conditions of highway and weather. [2003, c. 452, Pt. Q, §20 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. Q, §20 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Location of headlights.** On a motor vehicle, a headlight must be located at a height, measured from the center of the headlight, of not more than 54 inches nor less than 22 inches above the level surface on which the vehicle stands. Headlights on snow plows may be at a height greater than 54 inches.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. White light.** Headlights must be equipped with lenses or reflectors that emit only white light.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Number of headlights.** The following rules apply regarding the mounting of headlights.

A. A motor vehicle must have mounted on the front at least 2 headlights, one on each side. [2003, c. 452, Pt. Q, §21 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. A motorcycle must have one mounted headlight. [2005, c. 577, §24 (AMD).]

[ 2005, c. 577, §24 (AMD) .]

**5. Requirements.** The following requirements apply to a headlight.

A. If the vehicle is mechanically constructed so that it is limited to less than 15 miles per hour, it must have headlights capable of furnishing sufficient candlepower to render any substantial object clearly discernible on a level way at least 50 feet directly ahead and at the same time at least 7 feet to the right of the axis of the vehicle for a distance of at least 25 feet. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. If the vehicle is mechanically constructed so that it can exceed 15 miles per hour, it must have headlights capable of furnishing sufficient candlepower to render any substantial object clearly discernible on a level way at least 200 feet directly ahead and at the same time at least 7 feet to the right of the axis of the vehicle for a distance of at least 100 feet. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]



C. A headlight capable of furnishing more than 4 candlepower, if equipped with a reflector, may not be used unless the headlight is designed, equipped or mounted so that no portion of the beam of light, when projected 75 feet or more ahead, rises above a plane of 42 inches higher than and parallel with the level surface on which the vehicle stands. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. The top of a main beam of light may not be higher than the headlight center. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. An electric bulb or other lighting device of a greater capacity than 32 candlepower may not be used, except for the standard equipment sealed beam unit. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. A headlight may not project the top of a main beam, at a distance of 25 feet ahead of the vehicle, on an approximately level stretch of highway, onto the body of a person or an object, at a height greater than that of the center of the front light from the highway. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Motorcycle.** A motorcycle that does not have an adequate beam for headlights is restricted to daytime operation.

[ 2005, c. 577, §25 (AMD) .]

**7. Exception for farm tractors.** This section does not apply to unregistered farm tractors.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 452, §§Q20,21 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 577, §§24,25 (AMD).

## §1905. REAR LIGHTS

**1. Requirement.** Except as provided in subsection 3, a motor vehicle with 3 or more wheels or a trailer or semitrailer must have on the rear 2 lights, one on each side of the axis, each capable of displaying a red light visible for a distance of at least 100 feet behind the vehicle.

[ 2005, c. 314, §10 (AMD) .]

**2. Vehicles used in conjunction.** When a vehicle is used in conjunction with another vehicle, only the last must carry the lights.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Vehicles manufactured with one rear light.** If a vehicle was manufactured with only a single rear light, that light is sufficient if the light complies with the visibility requirement and is in the center or to the left of the vehicle's axis.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Exception for farm tractors.** This section does not apply to unregistered farm tractors.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2005, c. 314, §10 (AMD).

## §1905-A. TURN SIGNAL

**1. Requirement.** Except as provided in subsection 3, a motor vehicle, trailer or semitrailer must be equipped with electric flashing turn signal lamps. A motor vehicle must emit white or amber light from the turn signals to the front of the vehicle and a motor vehicle, trailer or semitrailer must emit amber or red light from the turn signals to the rear of the vehicle.

[ 1995, c. 584, Pt. A, §2 (NEW) .]

**2. Vehicles physically connected.** When a vehicle that is being operated is physically connected to another vehicle, only the last vehicle must carry turn signals to the rear.

[ 1995, c. 584, Pt. A, §2 (NEW) .]

**3. Vehicles manufactured without turn signal.** Automobiles and trucks less than 80 inches in width, manufactured or assembled prior to January 1, 1953 need not be equipped with electric turn signal lamps.

[ 1995, c. 584, Pt. A, §2 (NEW) .]

**4. Exception for farm tractors.** This section does not apply to unregistered farm tractors.

[ 1995, c. 584, Pt. A, §2 (NEW) .]

#### SECTION HISTORY

1995, c. 584, §A2 (NEW).

## §1905-B. BRAKE LIGHTS

**1. Requirement.** All factory-installed brake lights or equivalent replacements on a motor vehicle, trailer or semitrailer must be present and operating properly and must emit a steady red light when a slight pressure is placed on the brake pedal, and the light emitted must be visible for a distance of at least 100 feet behind the vehicle. For purposes of this section, "steady red light" means a red light that is either immediately constant and not pulsating or that pulsates for a short period and then becomes constant.

[ 2015, c. 176, §2 (NEW) .]

**2. Vehicles used in conjunction.** When a vehicle is used in conjunction with another vehicle, only the last vehicle must carry the lights required in subsection 1.

[ 2015, c. 176, §2 (NEW) .]

**3. Exception for farm tractors.** This section does not apply to unregistered farm tractors.

[ 2015, c. 176, §2 (NEW) .]

#### SECTION HISTORY

2015, c. 176, §2 (NEW).

## §1906. CLEARANCE LIGHTS

**1. Requirements for vehicle 7 feet or more in width.** A vehicle 7 feet or more in width must have a green or amber light attached to the extreme left of the front, adjusted to indicate the extreme left lateral extension of the vehicle or load and at least one red light on the extreme left lateral extension of the vehicle or load on the rear.

[ 2003, c. 452, Pt. Q, §22 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Requirements for closed body vehicle 8 feet or more in height.** A vehicle with a closed body 8 feet or more in height must display 2 green or amber lights attached to the extreme left of the front of its body, one at the top and the other at the bottom. The vehicle must also display at least one red light on the extreme upper left lateral extension of its body.

[ 2003, c. 452, Pt. Q, §22 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Visibility.** Body width lights and height lights must be visible not less than 200 feet in the direction towards which the vehicle is proceeding or facing.

[ 2003, c. 452, Pt. Q, §22 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**4. Reflector alternative.** In place of body width lights and height lights, a vehicle may be equipped with an adequate reflector conforming as to color and location to the requirements for the light.

[ 2003, c. 452, Pt. Q, §22 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**5. Application.** This section does not apply to unregistered farm tractors.

[ 2003, c. 452, Pt. Q, §22 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 452, §X2 (AFF). 2003, c. 452, §Q22 (RPR).

## §1907. REAR REFLECTORS

A vehicle must be equipped with at least one adequate reflector securely attached to the rear. The reflector: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Part of rear light.** May be a part of the rear light;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Color.** Must be red; and

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Reflection.** Must be designed, located and maintained to reflect at night on an unlighted highway, from at least 200 feet, the lawful undimmed headlights of a vehicle approaching from the rear.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Exception for unregistered farm tractors.** This section does not apply to unregistered farm tractors.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1908. LOCATION OF REAR LIGHTS, REFLECTORS AND SIGNAL LAMPS

On a vehicle 7 feet wide or wider, all rear lights, reflectors and signal lights must be within 12 inches of the extreme extension of the vehicle. On flat-body dump trucks, rear lights and signal lamps may be mounted on the rear of the frame. This section does not apply to unregistered farm tractors or to trailers with rear lights, reflectors and signal lights installed by the commercial manufacturer. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1909. REGISTRATION LAMP

A vehicle must have a white light capable of illuminating the rear registration plate so that the characters on the plate are visible for a distance of at least 50 feet. This section does not apply to unregistered farm tractors. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1909-A. FOG LIGHTS

**1. Fog lights.** A motor vehicle may be equipped with 2 fog lights upon the front of the motor vehicle that emit amber or white light as long as the rays from the lights do not shine more than 2 feet above the road at a distance of 30 feet. A fog light mounted higher than the center of the main headlights may not be illuminated while a motor vehicle is being operated on a public way.

[ 2003, c. 340, §3 (NEW) .]

#### SECTION HISTORY

2003, c. 340, §3 (NEW).

## §1909-B. OPTIONAL AUXILIARY LIGHTING

**1. General restrictions.** Except as otherwise provided by section 2054 and any other law or rule, a vehicle may be equipped with or display an auxiliary light, as defined by section 2054, subsection 1, paragraph C, only if it conforms to the requirements of this section.

[ 2005, c. 183, §1 (NEW) .]

**2. Color.** The color of an auxiliary light must be as follows:

A. White or amber if the light is on the front of the vehicle; [2005, c. 183, §1 (NEW).]

B. Amber if the light is on the side of the vehicle; or [2005, c. 183, §1 (NEW).]

C. Amber or red if the light is on the rear of the vehicle. [2005, c. 183, §1 (NEW).]

[ 2005, c. 183, §1 (NEW) .]

**3. Beam.** An auxiliary light must emit a steady beam of light and may not blink, oscillate, rotate or flash.

[ 2005, c. 183, §1 (NEW) . ]

**4. Brightness.** An auxiliary light may not emit a beam that is brighter than, has a greater candlepower than or distracts from the visibility of standard lighting equipment required by this Title or by the inspection rules adopted by the Chief of the State Police pursuant to section 1769.

[ 2005, c. 183, §1 (NEW) . ]

**5. Operator visibility.** An auxiliary light may not be installed in a manner or on the vehicle so that it distracts or impairs the vision of the operator.

[ 2005, c. 183, §1 (NEW) . ]

**6. Under-vehicle lighting.** An auxiliary light is under-vehicle lighting if it is a lighting device or lamp, including, but not limited to, a neon or fluorescent tube, installed under the chassis and it is designed to illuminate and reflect from the surface beneath the vehicle. A vehicle may be equipped with under-vehicle lighting for the purpose of participating in shows, events or other exhibitions, but the lighting may not be used or the vehicle illuminated with under-vehicle lighting on a public way.

[ 2005, c. 183, §1 (NEW) . ]

**7. Violation.** A person who operates a motor vehicle equipped with, illuminated by, displaying or using an auxiliary light in violation of this section commits a traffic infraction.

[ 2005, c. 183, §1 (NEW) . ]

#### SECTION HISTORY

2005, c. 183, §1 (NEW).

## §1910. RULES GOVERNING LIGHTS ON VEHICLES

The Chief of the State Police may adopt rules governing the adjustment, use and operation of lights on vehicles. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1911. HYDRAULIC BRAKE FLUID

**1. Definition.** "Hydraulic brake fluid" means the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**2. Requirement.** Hydraulic brake fluid must be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**3. Rules.** The Commissioner of Public Safety may adopt rules establishing standards and specifications for hydraulic brake fluid that must correlate with and, so far as practicable, conform to current standards and specifications of the Society of Automotive Engineers applicable to the fluid.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Prohibition.** A person may not distribute, have for sale, offer for sale, sell or service a vehicle with hydraulic brake fluid unless that fluid complies with the requirements of this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1912. MUFFLERS

**1. Muffler required.** A person may not operate a motor vehicle unless that vehicle is equipped with an adequate muffler properly maintained to prevent excessive or unusual noise. For purposes of this subsection, “excessive or unusual noise” includes motor noise emitted by a motor vehicle that is noticeably louder than similar vehicles in the environment.

[ 2009, c. 639, §1 (AMD) .]

**2. Cutouts prohibited.** A muffler or exhaust system may not be equipped with a cutout, bypass or similar device.

[ 2015, c. 206, §8 (AMD) .]

**3. Amplification prohibited.** A person may not operate a motor vehicle with an exhaust system that has been modified when the result of that modification is the amplification or increase of noise emitted by the motor above that emitted by the muffler originally installed on the vehicle.

[ 2009, c. 639, §2 (AMD) .]

**4. Exhaust system fastened to engine.** The entire exhaust system must be complete, without leakage and securely fastened to the engine block and frame.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### **5. Exception; racing meets.**

[ 2015, c. 206, §9 (RP) .]

**6. Defense for noise violations by motor vehicles.** The following are defenses to a violation of subsection 1 or 3.

A. If a muffler or exhaust system of a motor vehicle as defined in section 101, subsection 42, not including a motorcycle, does not emit noise in excess of 95 decibels as measured in accordance with standards and specifications outlined in standard J-1169 adopted by the Society of Automotive Engineers in May 1998, subsections 1 and 3 do not apply. A person served with a Violation Summons and Complaint charging a violation of subsection 1 or 3 must provide satisfactory evidence that the muffler or exhaust system does not emit noise in excess of 95 decibels as measured in accordance with standards and specifications outlined in standard J-1169 adopted by the Society of Automotive Engineers in May 1998. Measurements must be made by a participating certified inspection station. [ 2011, c. 158, §1 (NEW) .]

B. [2013, c. 100, §1 (RP).]

[ 2013, c. 100, §1 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 140, §1 (AMD). 2003, c. 452, §Q23 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 314, §11 (AMD). 2009, c. 639, §§1, 2 (AMD). 2011, c. 158, §1 (AMD). 2013, c. 100, §1 (AMD). 2015, c. 206, §§8, 9 (AMD).

### §1913. MIRRORS

**1. Mirrors required.** A person may not operate on a public way a vehicle so constructed, equipped, loaded or used that the operator is prevented from having a constantly free and unobstructed view of the way immediately to the rear, unless there is attached a mirror or reflector placed and adjusted to afford the operator a clear, reflected view of the highway to the rear of the vehicle for a distance of at least 200 feet.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Temporary mirrors.** When a vehicle is operated without a trailer or semitrailer, temporary outside rearview mirrors must be removed or otherwise adjusted so as not to extend beyond the width of the automobile.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Motorcycles.** A motorcycle must be equipped with a rear view mirror mounted and adjusted to afford the operator a clear, reflected view of the highway in the rear for a distance of at least 200 feet.

[ 2005, c. 577, §26 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2005, c. 577, §26 (AMD) .

### §1914. SAFETY SEAT BELTS

**1. Safety seat belts required.** A person may not buy, sell, lease, trade or transfer from or to a resident at retail a model year 1966 or later motor vehicle, unless that vehicle is equipped with safety seat belts installed for use in the left and right front seats.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

### §1915. WINDOWS

**1. Safety glass.** A motor vehicle must be equipped with safety glass wherever glass is used in partitions, doors, windows or windshields.

"Safety glass" means a product composed of glass or of other materials, manufactured, fabricated or treated to prevent shattering and flying of broken glass.

The Commissioner of Public Safety may maintain a list of the approved types of glass.

Replacements of glass partitions, doors, windows or windshields must be made with safety glass.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Window repairs.** When a window, other than the windshield, is broken, the operator may repair the window by temporarily replacing it with an opaque substance until there is a reasonable opportunity for replacement.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1916. REFLECTIVE AND TINTED GLASS

**1. Windows to be unobscured.** A person may not operate a motor vehicle required to be registered in this State and an inspection mechanic may not issue a certificate of inspection for a motor vehicle, if:

A. A window is composed of, covered by or treated with any material that is reflective; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The front windshield is composed of, covered by or treated with a material that reduces the light transmittance through the window more than the original installation window or an original replacement window; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

C. A side window or rear window is composed of, covered by or treated with a material that allows a light transmittance of less than 35% net of glass and material; or [2007, c. 186, §1 (AMD) .]

D. A front windshield, front door window or window at either end of a rear passenger seat does not contain 2-way glass that provides the occupants with a clear view of the road and a person outside the vehicle with a clear view of the occupants and the interior of the vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

[ 2007, c. 186, §1 (AMD) .]

**2. Exceptions.** The following exceptions apply.

A. The provisions of subsection 1 do not apply to:

- (1) A certificate or other paper required or allowed by law to be displayed;
- (2) The label attached to a window showing the price, estimated mileage and other federally mandated information commonly known as the manufacturer's suggested retail price label;
- (3) Sun-screening or window-tinting material above the AS-1 line in the top portion of the windshield or, if there is no AS-1 line in the top portion of the windshield, along a 5-inch strip at the top of the windshield. For purposes of this paragraph, "AS-1 line" means the marking that includes the letters "AS," the number "1" and an arrow that is required to be placed on certain safety glazing materials pursuant to 49 Code of Federal Regulations, Section 571.205 (2006); or
- (4) Motor vehicles for which the Chief of the State Police has granted an exception because the health of the owner or a person who usually occupies the vehicle is adversely affected by sunlight. The Chief of the State Police may, upon proper application, provide the owner of a motor vehicle with a certificate of exemption that must be displayed upon the request of a law enforcement officer. [2007, c. 186, §2 (AMD) .]



B. The provisions of subsection 1, paragraphs C and D do not apply to side windows behind the operator's seat or the rear window of a motor vehicle, as long as the vehicle is equipped with 2 outside rear view mirrors, one on each side, adjusted so that the operator has a clear view of the highway behind the vehicle. [2009, c. 251, §6 (AMD).]

C. [2007, c. 348, §15 (RP).]

[ 2009, c. 251, §6 (AMD) .]

## **2-A. Definition.**

[ 2009, c. 251, §7 (RP) .]

**3. Light transmittance certificate.** The owner or operator of a motor vehicle with tinted windows that are not replaced in accordance with Federal Motor Vehicle Safety Standard 205 or windows covered by or treated with tinting material must acquire a light transmittance certificate and must show the certificate to the inspection mechanic at the time of inspection.

The Chief of the State Police may authorize a person to examine window glazing and tint material to determine compliance with this subsection. A person authorized under this subsection may issue a certificate for a motor vehicle that complies with the light transmittance standards.

Upon request, the Bureau of State Police shall provide light transmittance certificates to a person authorized to issue a certificate under this subsection. Light transmittance certificates provided by the Bureau of State Police in accordance with this subsection remain the property of the State.

A person authorized to issue a certificate under this subsection who is adjudicated of a violation of this section or files an answer of "not contested" to a summons for a violation of this section shall return all unissued light transmittance certificates to the Bureau of State Police within 10 days of adjudication or of filing the answer. The Bureau of State Police may not provide that person with light transmittance certificates for a period of 6 months after the date of adjudication or filing an answer of "not contested."

[ 2007, c. 348, §16 (AMD) .]

## **4. Violations.** A person may not:

A. Install a replacement window in or window-tinting material on a motor vehicle that does not meet the standards of subsections 1 and 2; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Fail to issue a certificate as required by subsection 3, after installing for compensation a tinted replacement window or window-tinting material; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Alter the window-tinting materials after a certificate has been issued pursuant to subsection 3 and then display the certificate as proof that the windows meet the standards of subsection 1 or 2; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Display or permit to be displayed a light transmittance certificate, knowing the certificate to be fictitious or issued to another motor vehicle or issued without the motor vehicle meeting the standards of subsection 1 or 2; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. Knowingly cause a light transmittance certificate to be issued for a motor vehicle that does not meet the standards of subsection 1 or 2; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. Operate or cause the operation of a motor vehicle that does not meet the requirements of this section; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

G. Fail to return all unissued light transmittance certificates to the Bureau of State Police in accordance with subsection 3. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Presumption.** If the operator of a motor vehicle with a tinted replacement window or window-tinting material installed fails to produce a certificate as required by subsection 3 on the request of a law enforcement officer, it is presumed that the motor vehicle does not meet the requirements of this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Penalty.** A person who is adjudicated of a violation of this section commits a traffic infraction that must be punished by a forfeiture of not less than \$100.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Rules.** The Chief of the State Police may adopt rules to implement and administer this section and to collect reasonable fees for that administration.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 129, §§1,2 (AMD). 1999, c. 183, §6 (AMD). 2007, c. 186, §§1, 2 (AMD). 2007, c. 348, §§15, 16 (AMD). 2009, c. 251, §§6, 7 (AMD).

## §1917. TIRES AND WHEELS

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Tread depth" means the amount of tread design on the tire. "Tread depth" includes original, retread and recap tread design and, in respect to a special mileage commercial tire, recut, regrooved and siped tread design. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. "Special mileage commercial tire" means a tire manufactured with an extra layer of rubber between the cord body and original tread design, which extra layer is designed for the purpose of recutting or regrooving, and which tire is specifically labelled as a "special mileage commercial tire." [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Safe tires required.** A motor vehicle may not be operated on a public way unless it is equipped with tires in safe operating condition. A tire mounted on a motor vehicle is not considered to be in safe operating condition unless it meets the visual and tread depth requirements set forth in subsections 3 and 4 and the vehicle is in compliance with the frame height requirements provided in section 1920.

[ 2013, c. 30, §1 (AMD) .]

**3. Visual requirements.** A tire is not in safe operating condition if that tire has:

A. A fabric break or a cut in excess of one inch in any direction as measured on the outside of the tire and deep enough to reach the body cords; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A temporary repair by the use of blowout patches or boots; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A bump, bulge or knot related to separation or partial failure of the tire structure; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. A portion of the ply or cord structure exposed; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. Sidewalls damaged to the extent that the body cords are damaged. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Tread depth.** A tire is not in safe operating condition if it is worn to the point where less than  $\frac{2}{32}$  inch of tread design remains at all points at which gauge readings are required. Tread depth must be measured as follows.

A. Tire tread depth must be measured by a tread depth gauge that is calibrated in  $\frac{1}{32}$  inch. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Readings must be taken in all major tread grooves and must include at least 2 points not closer than 15 inches. [2007, c. 348, §17 (AMD).]

C. Readings for a tire that has the tread design running across the tire or for a siped tire must be taken at or near the center of the tire at 2 points of the circumference not closer than 15 inches. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2007, c. 348, §17 (AMD) .]

**5. Exemptions.** A farm vehicle used exclusively for agricultural purposes, including, but not limited to, a self-propelled combine, self-propelled corn and hay harvesting machine or tractor used exclusively for agricultural purposes, is exempt from this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

## **6. Wheels.**

[ 2009, c. 251, §9 (RP) .]

### **SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 146, §1 (AMD). 2005, c. 66, §1 (AMD). 2007, c. 348, §17 (AMD). 2009, c. 251, §§8, 9 (AMD). 2013, c. 30, §1 (AMD).

## **§1918. REGROOVED TIRES**

A person commits a traffic infraction if that person distributes, has for sale, offers for sale, sells or uses on a motor vehicle a pneumatic tire that has been regrooved below the original tread depth, unless that tire was originally manufactured with extra undertread material. [1999, c. 771, Pt. C, §13 (AMD); 1999, c. 771, Pt. D, §§1, 2 (AFF).]

### **SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 771, §C13 (AMD). 1999, c. 771, §§D1,2 (AFF).

## §1919. STUDDERED TIRES

**1. Prohibited May 1st to October 1st.** Except as provided in subsections 2 and 3, from the first day of May to the first day of October, a person may not operate a vehicle with tires having metal studs, wires, spikes or other metal protruding from the tire tread. Pneumatic tires that feature embedded blocks, studs, flanges, cleats, spikes or other protuberances that are retractable may be used any time of the year, except that the protuberances may not be engaged or extended from the first day of May to the first day of October.

[ 2007, c. 525, §1 (AMD) .]

**2. Extension of use period and issuance of permit.** Extended use of studded tires may be permitted according to this subsection.

A. A person may use studded tires for periods other than those specified in subsection 1, if the Commissioner of Transportation extends the use period or, in a special case, issues a permit covering stated periods of time for the use of studded tires. The fee for a permit may not be less than \$3 and not more than \$15, as determined by the commissioner. [2003, c. 452, Pt. Q, §24 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. A person issued a permit under paragraph A must carry the permit in an easily accessible place in or about the vehicle. [2003, c. 452, Pt. Q, §24 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. Q, §24 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Application.** Subsection 1 does not apply to fire department vehicles or school buses during the months school is in regular session.

[ 2003, c. 452, Pt. Q, §24 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 452, §X2 (AFF). 2003, c. 452, §Q24 (RPR). 2007, c. 525, §1 (AMD).

## §1920. VEHICLE FRAME HEIGHT

**1. Minimum and maximum frame end heights.** A motor vehicle may not be operated on a public way or receive a certificate of inspection with a frame end height of less than 10 inches or with the frame end height lower than the vehicle was originally manufactured if originally manufactured to be less than 10 inches. A motor vehicle may not be operated on a public way or receive a certificate of inspection with a maximum frame end height based on the manufacturer's gross vehicle weight rating that is greater than:

A. [2005, c. 276, §2 (RP).]

B. For a vehicle of 4,500 pounds and less, 24 inches in the front and 26 inches in the rear; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. For a vehicle of 4,501 pounds to 7,500 pounds, 27 inches in the front and 29 inches in the rear; [2013, c. 30, §2 (AMD).]

D. For a vehicle of 7,501 pounds to 10,000 pounds, 28 inches in the front and 30 inches in the rear; and [2013, c. 30, §2 (AMD).]

E. For a vehicle of 10,001 pounds to 11,500 pounds, 29 inches in the front and 31 inches in the rear. [2013, c. 30, §2 (NEW).]

Measurements must be taken from a level surface to the bottom of the frame end. For the purposes of this subsection, "frame end" means the point at which the frame rail terminates at the bumper assembly.

[ 2013, c. 30, §2 (AMD) . ]

**2. Modifications.** A vehicle may not be modified to cause, under normal operation, the vehicle body or chassis to come into contact with the ground, expose the fuel tank to damage from collision or cause the wheels to come in contact with the body. The suspension and tire sizes of a vehicle may be modified pursuant to this chapter and rules established by the Chief of the State Police.

[ 2005, c. 276, §2 (AMD) . ]

**3. Suspension.** Except as provided in this subsection or in subsection 2, an original suspension system may not be disconnected. This section does not prohibit the installation of heavy duty equipment, including shock absorbers and overload springs, or prohibit a person from operating on a public way a motor vehicle with normal wear of the suspension system if normal wear does not affect control of the vehicle.

[ 2005, c. 276, §2 (AMD) . ]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 144, §1 (AMD). 2005, c. 276, §2 (AMD). 2013, c. 30, §2 (AMD).

## §1921. VIEWING OF VISUAL CONTENT RESTRICTED IN VEHICLES

A person may not operate a motor vehicle in which there is a television viewer, screen or other video device, other than an allowable device, that is receiving or showing video content visible to the operator. For the purposes of this section, "video content" includes, but is not limited to, television broadcasts, recorded video and video streamed through electronic or other means. For purposes of this section, "allowable device" means: [ 2015, c. 176, §3 (AMD) . ]

**1. Global positioning, navigation or mapping system.** A device displaying video content for the purpose of a global positioning, navigation or mapping system;

[ 2015, c. 176, §3 (NEW) . ]

**2. Closed-circuit video monitor.** A closed-circuit video monitor that is used to assist the operator while backing up or parking;

[ 2015, c. 176, §3 (NEW) . ]

**3. Device when vehicle is stationary.** A device that is capable of operation only when the vehicle is stationary and is automatically disabled whenever the wheels of the vehicle are in motion;

[ 2015, c. 176, §3 (NEW) . ]

**4. Device to enhance operator's view.** A device that is used to enhance or supplement the operator's view of the roadway or to assist the operator in object detection; and

[ 2015, c. 176, §3 (NEW) . ]

**5. Part of vehicle's instrumentation.** A video display unit that is part of the vehicle's instrumentation or is used for the purpose of vehicle control.

[ 2015, c. 176, §3 (NEW) . ]

This section does not apply to the use of a video device in the performance of official duties by a law enforcement officer or the operator of an authorized emergency vehicle, as defined in section 2054. [ 2015, c. 176, §3 (NEW). ]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 584, §B7 (AMD). 2015, c. 176, §3 (AMD).

## §1922. ADVERTISEMENTS ON MOTOR VEHICLES

**1. Prohibition.** Except as provided in this section, an owner or operator may not operate on a public way a motor vehicle to which is affixed an illuminated advertisement.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**2. Display rules.** For purposes of vehicle identification, in addition to the provisions of section 1951, a motor truck, truck tractor or semitrailer may display an illuminated sign in accordance with rules adopted by the Commissioner of Public Safety according to the Maine Administrative Procedure Act.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**3. Standards.** Among other standards determined by the Commissioner of Public Safety to be necessary to protect the welfare and safety of the general public, an illuminated sign:

A. Must bear the name of the owner of the vehicle, the lessee of the vehicle or the person for which the operator is transporting property or goods; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

B. May identify the cargo in transit. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**4. Location of sign.** An illuminated sign may only be displayed as follows:

A. On truck tractors, on the wind deflector on the roof of the truck tractor; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

B. On a semitrailer, on the front portion of the semitrailer; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

C. On a truck, on the front portion of the storage compartment above and behind the cab. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**5. Lights prohibited.** An illuminated sign may not be lighted by a flashing, blinking or neon light.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**6. Form, size and light of sign.** An illuminated sign must be in a form, size and light so as not to distract or impair the vision of the operator of another motor vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**7. Exception.** This section does not apply to the illuminated name and telephone number identification affixed to vehicles for the conveyance of passengers.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

### §1923. READING WHILE OPERATING A MOTOR VEHICLE PROHIBITED

An operator may not read printed material including but not limited to, a newspaper, book, brochure or pamphlet, while operating a motor vehicle. Printed material does not include a map or written directions to a specific location. [1999, c. 183, §7 (NEW).]

#### SECTION HISTORY

1999, c. 183, §7 (NEW).

### §1924. CHAINS ON SKIDDERS

Chains attached to the tires or wheels of a skidder must be removed prior to operation on a paved way. [1999, c. 183, §7 (NEW).]

#### SECTION HISTORY

1999, c. 183, §7 (NEW).

### §1925. EQUIPMENT REQUIREMENTS FOR LOW-SPEED VEHICLES

**1. Equipment required.** A low-speed vehicle registered pursuant to section 501, subsection 11 must be equipped with:

- A. Brakes for each wheel; [2003, c. 397, §9 (NEW).]
- B. Headlights that comply with section 1904; [2003, c. 397, §9 (NEW).]
- C. An odometer; [2003, c. 397, §9 (NEW).]
- D. One exterior rearview mirror; [2003, c. 397, §9 (NEW).]
- E. One interior rearview mirror; [2003, c. 397, §9 (NEW).]
- F. A parking brake; [2003, c. 397, §9 (NEW).]
- G. Rear reflectors; [2003, c. 397, §9 (NEW).]
- H. A safety glass windshield; [2003, c. 397, §9 (NEW).]
- I. A speedometer; [2003, c. 397, §9 (NEW).]
- J. Stop lamps; [2003, c. 397, §9 (NEW).]
- K. Rear lights that comply with section 1905; [2003, c. 397, §9 (NEW).]
- L. Seat belts and child restraint systems that comply with section 2081; [2003, c. 397, §9 (NEW).]
- M. Turn signal lamps; [2003, c. 397, §9 (NEW).]
- N. Windshield wipers; and [2003, c. 397, §9 (NEW).]
- O. A vehicle identification number. [2003, c. 397, §9 (NEW).]

[ 2003, c. 397, §9 (NEW) .]

**2. Working condition.** Equipment required in subsection 1 must be in good working condition.

*§1925. Nitrous oxide system*

*(As enacted by PL 2003, c. 340, §4 is REALLOCATED TO TITLE 29-A, SECTION 1926)*

[ 2003, c. 397, §9 (NEW) .]

SECTION HISTORY

RR 2003, c. 1, §29 (RAL). 2003, c. 340, §4 (NEW). 2003, c. 397, §9 (NEW) .

## **§1926. NITROUS OXIDE SYSTEM**

*(REALLOCATED FROM TITLE 29-A, SECTION 1925)*

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Fill station" means a place that refills nitrous oxide bottles. [2005, c. 31, §1 (NEW) .]

B. "Nitrous oxide system" means a device installed in a motor vehicle that allows nitrous oxide to combine with gasoline for the purpose of increasing engine power. [2005, c. 31, §1 (NEW) .]

[ 2005, c. 31, §1 (RPR) .]

**2. Use prohibited.** Except as provided in subsection 3, a person may not operate a motor vehicle that is equipped with a nitrous oxide system on a public way.

[ 2003, c. 1, §29 (RAL) .]

**3. Exceptions.** A person may operate a motor vehicle equipped with a nitrous oxide system on a public way if:

A. All canisters of nitrous oxide have been removed from the vehicle; or [2003, c. 1, §29 (RAL) .]

B. The motor vehicle is en route to or from a track where the motor vehicle is used for racing, a car show, an off-highway competition or event or a fill station and:

(1) The nitrous oxide system is made inoperative by disconnecting the line feeding nitrous oxide to the engine; or

(2) All containers of nitrous oxide have been removed from the motor vehicle. [2005, c. 31, §2 (AMD) .]

[ 2005, c. 31, §2 (AMD) .]

SECTION HISTORY

RR 2003, c. 1, §29 (RAL). 2005, c. 31, §§1,2 (AMD) .

## **Subchapter 2: TRUCKS**

### **§1951. NAME OF OWNER OR LESSEE DISPLAYED**

A truck tractor owner or operator shall display on both sides of the truck tractor the name of the owner or lessee in letters not less than 2 1/2 inches in height. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

SECTION HISTORY



1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §1952. FLARES; EMERGENCY SIGNALS

**1. Carry flares.** Except as provided in subsection 1-A, a truck or truck tractor with a registration for operation with gross vehicle weight in excess of 10,000 pounds must be equipped with 2 red flags, 3 flares and 3 red lanterns or red emergency reflectors.

[ 2003, c. 452, Pt. Q, §25 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**1-A. Flares prohibited.** A vehicle transporting inflammable liquids or gas in bulk may not carry flares.

[ 2003, c. 452, Pt. Q, §26 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Disabled vehicle.** When a truck or truck tractor with a registration for operation with gross vehicle weight in excess of 10,000 pounds is disabled on a public way, the operator shall, during the time that lights are required to be illuminated, place emergency signals as follows:

A. One flare or lantern or red emergency reflector in the center of the lane of traffic occupied by the disabled motor vehicle not less than 100 feet from the vehicle in the direction of traffic approaching in that lane; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. One flare or lantern or red emergency reflector not less than 100 feet from the vehicle in the center of the same lane in the opposite direction; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

C. One flare or lantern or red emergency reflector at the traffic side of the vehicle not closer than 10 feet from the front or rear. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

When lights are not required to be illuminated, red flags must be used, except that no flag is required to be placed at the side of the vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 452, §§Q25,26 (AMD). 2003, c. 452, §X2 (AFF).

## §1953. SPLASH GUARDS

**1. Required.** A truck, truck tractor, trailer and semitrailer must be equipped with suitable guards that will effectively reduce the spray or splash of mud, water or slush caused by the rear wheels.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Exception.** Splash guards are not required for:

A. A truck with a registered gross vehicle weight of 6,000 pounds or less; [1995, c. 584, Pt. A, §3 (AMD) .]

B. A dump truck:

(1) While being operated on construction or reconstruction projects in a construction area established by the Department of Transportation; and

(2) On a public way between the project and a pit or quarry where materials are being obtained when the pit or quarry is within 7 miles of the construction area; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A truck tractor when not hauling a trailer or semitrailer; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. A fire department vehicle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. A motor vehicle equipped with fenders; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. A truck with a stake body that extends not less than 6 feet beyond the rear axle and that is registered under section 505. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1995, c. 584, Pt. A, §3 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 584, §A3 (AMD).

## §1954. DUMP BODY SUPPORT

**1. Equipment.** A truck with a dump body must be equipped with a positive means of support, permanently attached and capable of being locked in position to prevent lowering of the body while being maintained, inspected or repaired or while the truck is unattended.

[ 2003, c. 340, §5 (NEW) .]

**2. Required.** A truck dump body must be either fully lowered, locked by means of equipment required in subsection 1 or physically blocked from lowering while being maintained, inspected or repaired or while the truck is unattended.

[ 2003, c. 340, §5 (NEW) .]

**3. Penalty.** A person who violates this section commits a Class E crime.

[ 2003, c. 340, §5 (NEW) .]

#### SECTION HISTORY

2003, c. 340, §5 (NEW).

## Subchapter 3: MOTOR VEHICLE EVENT DATA RECORDERS

## §1971. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [2005, c. 544, §1 (NEW).]

**1. Event data recorder.** "Event data recorder" means a feature that is installed by the manufacturer of a motor vehicle and does one or more of the following for the purpose of capturing data for retrieval after a crash:

A. Records vehicle speed, direction or both; [2005, c. 544, §1 (NEW).]

B. Records vehicle location data; [2005, c. 544, §1 (NEW).]

C. Records vehicle steering performance; [2005, c. 544, §1 (NEW).]

D. Records vehicle brake performance, including whether brakes were applied before the crash; [2005, c. 544, §1 (NEW).]

E. Records the driver's seatbelt status; and [2005, c. 544, §1 (NEW).]

F. Has the ability to transmit information concerning a crash in which the motor vehicle has been involved to a central communication system when a crash occurs. [2005, c. 544, §1 (NEW).]

[2005, c. 544, §1 (NEW).]

**2. Owner.** "Owner" means:

A. A person having all the incidents of ownership, including the legal title of the motor vehicle, whether or not the person lends, rents or creates a security interest in the motor vehicle; [2005, c. 544, §1 (NEW).]

B. A person entitled to the possession of the motor vehicle as the purchaser under a security agreement; or [2005, c. 544, §1 (NEW).]

C. A person entitled to possession of the motor vehicle as lessee pursuant to a written lease agreement, as long as the agreement at inception is for a period of at least 3 months. [2005, c. 544, §1 (NEW).]

[2005, c. 544, §1 (NEW).]

SECTION HISTORY

2005, c. 544, §1 (NEW).

## §1972. OWNERSHIP AND ACCESS TO DATA

**1. Ownership; access.** Data described in section 1971, subsection 1 that are recorded on an event data recorder may not be downloaded or otherwise retrieved by a person other than the owner of the motor vehicle at the time the data are accessed, except under the following circumstances:

A. The owner of the motor vehicle or the owner's agent or legal representative consents to the retrieval of the information; [2005, c. 544, §1 (NEW).]

B. A court of competent jurisdiction in this State orders the production of the data; [2005, c. 544, §1 (NEW).]

C. For purposes of improving motor vehicle safety, security or traffic management, including medical research on the human body's reaction to motor vehicle crashes, as long as the identity of the owner or driver is not disclosed in connection with that retrieved data. For the purposes of this paragraph, the disclosure of the vehicle identification number with the last 4 digits deleted does not constitute the disclosure of the identity of the owner or driver; [2005, c. 544, §1 (NEW).]

D. The data are retrieved by a licensed motor vehicle dealer or by an automotive technician for the purpose of diagnosing, servicing or repairing the motor vehicle; [2005, c. 544, §1 (NEW).]

E. The data are retrieved for the purpose of determining the need for or facilitating emergency medical response in the event of a motor vehicle crash; [2005, c. 544, §1 (NEW).]

F. The data are retrieved by a law enforcement officer acting pursuant to authority recognized under applicable statutory or constitutional law; or [2005, c. 544, §1 (NEW).]

G. The data are requested as part of routine civil or criminal discovery. [2005, c. 544, §1 (NEW).]

[2007, c. 695, Pt. A, §34 (AMD).]

**2. Release of data prohibited; exceptions.** A person, including a service or data processor operating on behalf of such person, authorized to download or otherwise retrieve data from the event data recorder pursuant to subsection 1, paragraph C may not release the data except:

A. For the purpose of motor vehicle safety and medical research communities to advance motor vehicle safety, security or traffic management; or [2005, c. 544, §1 (NEW).]

B. To a data processor solely for the purposes permitted by this subsection only if the identity of the owner or driver is not disclosed. [2005, c. 544, §1 (NEW).]

[ 2005, c. 544, §1 (NEW) .]

**3. Disclosure by subscription services.** If a motor vehicle is equipped with an event data recorder that is capable of recording or transmitting information described in section 1971, subsection 1 and that capability is part of a subscription service, the fact that the information may be recorded or transmitted must be disclosed in the subscription service agreement.

[ 2005, c. 544, §1 (NEW) .]

**4. Application concerning subscription services.** Subsection 1 does not apply to subscription services meeting the requirements of subsection 3.

[ 2005, c. 544, §1 (NEW) .]

**5. Duty to cooperate.** Nothing in this subchapter affects an insured's duty to cooperate as provided in an applicable insurance contract or agreement.

[ 2005, c. 544, §1 (NEW) .]

#### SECTION HISTORY

2005, c. 544, §1 (NEW). 2007, c. 695, Pt. A, §34 (AMD).

## §1973. DISCLOSURE BY MANUFACTURER

A manufacturer of a new motor vehicle sold or leased in this State that is equipped with one or more event data recorders, including those known as "sensing and diagnostic modules," shall disclose that fact in the owner's manual for the motor vehicle. [2005, c. 544, §1 (NEW).]

#### SECTION HISTORY

2005, c. 544, §1 (NEW).

## Chapter 19: OPERATION

### Subchapter 1: RULES OF THE ROAD

#### §2051. TRAFFIC LANES

When a public way has been divided into 2 or more clearly marked lanes for traffic, the following provisions apply. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Single lane.** A vehicle must be operated as nearly as practical entirely within a single lane.

[ 2003, c. 452, Pt. Q, §27 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**1-A. Movement from lane.** A vehicle may not be moved from a lane until the operator has first ascertained that the movement can be made with safety.

[ 2003, c. 452, Pt. Q, §28 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Two-way lane.** On a public way that is divided into more than 2 lanes and one of those lanes provides for 2-way movement of traffic, a vehicle may not be operated in that lane except:

A. When overtaking and passing another vehicle when the way is clearly visible and the 2-way traffic lane is clear of traffic for a safe distance, unless an official sign or traffic control device limits the use of that lane to turning only; [2007, c. 8, §1 (AMD).]

B. In preparation for a left turn from the 2-way traffic lane; [2007, c. 8, §1 (AMD).]

C. When the 2-way traffic lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted to give notice of that allocation; or [2007, c. 8, §1 (AMD).]

D. As part of a 2-part turn when the vehicle turning left from a driveway or entrance uses the 2-way traffic lane until the travel lane in the direction the vehicle is proceeding can be entered safely by the vehicle. [2007, c. 8, §1 (NEW).]

[ 2007, c. 8, §1 (AMD) .]

**3. Signs.** An operator shall obey an official sign or traffic control device:

A. Directing slowly moving traffic to use a designated lane; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Designating a lane to be used by turning traffic or traffic moving in a particular direction regardless of the center of the way; or [1997, c. 653, §8 (AMD).]

C. Prohibiting the changing of lanes on sections of a public way. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1997, c. 653, §8 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 653, §§7,8 (AMD). 2003, c. 452, §§Q27,28 (AMD). 2003, c. 452, §X2 (AFF). 2007, c. 8, §1 (AMD).

## §2052. DIVIDED HIGHWAYS

**1. Divider defined.** For purposes of this section, a "divider" means an intervening space, a physical barrier or a clearly indicated dividing space dividing 2 ways and constructed to impede vehicular traffic over it.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Drive on right-hand way.** When a public way has a divider, a vehicle may be driven only on the right-hand way.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Crossing.** An operator may not drive a vehicle over, across or within a divider, or an opening or crossover of a divider.

[ 2003, c. 452, Pt. Q, §29 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**3-A. Divider sign restrictions.** An operator may not disobey the restrictions on official signs at an opening or crossover of a divider.

[ 2003, c. 452, Pt. Q, §30 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**4. Limited access.** An operator may not drive a vehicle onto or from a limited-access way except at established entrances and exits.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Limiting use.** The Department of Transportation or a municipality, with respect to a way under that authority's jurisdiction, may prohibit the use of a way by:

A. Pedestrians; or [2003, c. 452, Pt. Q, §31 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

B. Bicycles, roller skis or other nonmotorized traffic, scooters, motorized bicycles or tricycles or motorized scooters. [2009, c. 484, §2 (AMD) .]

[ 2009, c. 484, §2 (AMD) .]

**5-A. Limiting use sign restrictions.** On limiting the use of a way, the authority shall erect and maintain official signs stating the prohibition. A person may not disobey the restrictions stated on those signs.

[ 2003, c. 452, Pt. Q, §32 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**6. Ways with speed limit of 65 or more miles per hour.** An operator driving on a limited-access way with a speed limit of 65 or more miles per hour is restricted in ordinary operation to the right-hand lane and may use adjacent lanes for overtaking and passing another vehicle, but must return to the right-hand lane at the earliest opportunity. This requirement does not apply to an authorized emergency vehicle, or to a vehicle otherwise directed by posted signs, a law enforcement officer or a highway maintenance crew.

[ 2011, c. 415, §1 (AMD) .]

**7. Backing.** An operator may not drive a vehicle in reverse or back a vehicle on a limited-access way or on an entrance or exit of a limited-access way.

[ 1995, c. 247, §3 (NEW) .]

**8. Breakdown lanes.** The operator of a vehicle may not overtake another vehicle on a limited-access way by driving on the shoulder or in the breakdown lane located on the right or the left of the travel lanes.

[ 2003, c. 340, §6 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 247, §3 (AMD). 2001, c. 360, §4 (AMD). 2003, c. 340, §6 (AMD). 2003, c. 452, §§Q29-32 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 577, §27 (AMD). 2009, c. 484, §2 (AMD). 2011, c. 415, §1 (AMD).

## §2053. RIGHT-OF-WAY

**1. Keeping right.** When operators of vehicles approach each other from opposite directions, each must travel to the right of the center of the travel portion of the public way to allow the other to pass without interference. When it is unsafe or difficult to pass without interference, an operator must stop at a reasonable time and convenient place, to allow the other to pass.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Slow-moving vehicles.** An operator of a vehicle moving slowly shall keep the vehicle as close as practicable to the right-hand boundary of the public way, and allow faster moving vehicles reasonably free passage to the left.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Public intersections.** The operator of a vehicle at intersecting public ways has the right-of-way over a vehicle on the operator's left, and must yield right-of-way to one on its right, except:

A. At a traffic circle or rotary; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. When otherwise directed by a law enforcement officer. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Private to public intersection.** An operator of a vehicle entering a public way from a private way must yield the right-of-way to a vehicle on the public way or to a pedestrian. After yielding, the operator of the vehicle must proceed cautiously.

For the purposes of this subsection, "private way" means any way or road access onto a public way, including an alley, driveway or entrance.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Vehicle turning left.** An operator of a vehicle who intends to turn left must yield the right-of-way to a vehicle approaching from the opposite direction when the approaching vehicle is within the intersection or so close as to constitute an immediate hazard.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Traffic circles or rotary intersections.** The operator of a vehicle:

A. Approaching a traffic circle or rotary intersection shall yield the right-of-way to a vehicle already within the traffic circle or rotary intersection unless otherwise regulated by a law enforcement officer or by traffic control devices; [2003, c. 452, Pt. Q, §33 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Entering and passing around a rotary or traffic circle may drive only to the right of the rotary or traffic circle and shall yield the right-of-way to a vehicle on the operator's left; and [2003, c. 452, Pt. Q, §33 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. May not drive on or across the center part of a rotary or traffic circle, except that the wheels of a semitrailer or trailer may cross the center part as long as the wheels of the towing vehicle do not cross the center part. [2003, c. 452, Pt. Q, §33 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. Q, §33 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

**7. Traffic islands.** An operator of a vehicle passing around a rotary traffic island must drive only to the right of the island.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Highway construction and maintenance areas.** An operator of a vehicle must yield the right-of-way to an authorized vehicle or person actually engaged in work on a public way:

A. Within a construction or maintenance area indicated by official traffic control devices; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. When the vehicle displays flashing lights meeting the requirements of section 2054. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 183, §8 (AMD). 2003, c. 452, §Q33 (AMD). 2003, c. 452, §X2 (AFF).

## §2054. EMERGENCY AND AUXILIARY LIGHTS; SIRENS; PRIVILEGES

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Ambulance" means any vehicle designed, constructed and routinely used or intended to be used for the transportation of ill or injured persons and licensed by Maine Emergency Medical Services pursuant to Title 32, chapter 2-B. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. "Authorized emergency vehicle" means any one of the following vehicles:

- (1) An ambulance;
- (2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;
- (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
- (4) A Department of Agriculture, Conservation and Forestry vehicle operated by a forest ranger;
- (5) A Department of Agriculture, Conservation and Forestry vehicle used for forest fire control;
- (6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a prisoner, juvenile client or juvenile detainee;



- (7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;
- (8) A Department of Public Safety vehicle operated by a police officer appointed pursuant to Title 25, section 2908, a state fire investigator or a Maine Drug Enforcement Agency officer;
- (9) An emergency medical service vehicle;
- (10) A fire department vehicle;
- (11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;
- (12) A railroad police vehicle;
- (13) A sheriff's department vehicle;
- (14) A State Police or municipal police department vehicle;
- (15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;
- (16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an assistant or deputy chief or a town forest fire warden;
- (17) A vehicle operated by a qualified deputy sheriff or other qualified individual to perform court security-related functions and services as authorized by the State Court Administrator pursuant to Title 4, section 17, subsection 15;
- (18) A Federal Government vehicle operated by a federal law enforcement officer;
- (19) A vehicle operated by a municipal rescue chief, deputy chief or assistant chief;
- (20) An Office of the Attorney General vehicle operated by a detective appointed pursuant to Title 5, section 202;
- (21) A Department of the Secretary of State vehicle operated by a motor vehicle investigator; and
- (22) A University of Maine System vehicle operated by a University of Maine System police officer. [2011, c. 657, Pt. W, §5 (REV); 2011, c. 691, Pt. A, §30 (RPR).]

C. "Auxiliary light" means a light, other than standard equipment lighting such as headlights, taillights, directional signals, brake lights, clearance lights, parking lights and license plate lights, that is displayed on a vehicle and used to increase the operator's visibility of the road or the visibility of the vehicle to other operators and pedestrians. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. "Emergency light" means an auxiliary light displayed and used on an authorized emergency vehicle to distinguish it and make it recognizable as an authorized emergency vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. "Emergency medical service vehicle" means a vehicle equipped and used to transport emergency medical personnel or equipment to ill or injured persons and authorized by Maine Emergency Medical Services. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E-1. "Fire department vehicle" means a vehicle owned by, registered to and maintained by a governmental agency or political subdivision that is equipped and used primarily for response to a fire or emergency situation. [2007, c. 348, §19 (NEW).]

F. "Fire vehicle" means any vehicle listed under paragraph B, subparagraph (5) or (16). [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

G. "Hazardous material response vehicle" means a vehicle equipped for and used in response to reports of emergencies resulting from actual or potential releases, spills or leaks of, or other exposure to, hazardous substances that is authorized by a mutual aid agreement pursuant to Title 37-B, section 795,

subsection 3 and approved by the local emergency planning committee or committees whose jurisdiction includes the area in which the vehicle operates. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

H. "Highway maintenance vehicle" means a vehicle used to maintain the highways, including, but not limited to, a plow, grader, sand truck, sweeper and tar truck. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

I. "Police vehicle" means any vehicle listed under paragraph B, subparagraph (2), (3), (4), (7), (8), (12), (13), (14) or (18). [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

I-1. "Public service vehicle" means a vehicle used to assist members of the public or law enforcement officers with disabled vehicles or to remove debris from a roadway, or a vehicle used to construct, maintain, inspect or repair utility infrastructure, including, but not limited to, electricity, water, sewer, cable, telephone, gas and natural gas infrastructure. "Public service vehicle" includes a wrecker. [2015, c. 32, §1 (NEW).]

J. "Rescue vehicle" means any vehicle listed under paragraph B, subparagraph (19). [2005, c. 14, §2 (NEW).]

[ 2015, c. 32, §1 (AMD) .]

**2. Authorized lights.** Authorized lights are governed as follows.

A. Only an ambulance; an emergency medical service vehicle; a fire department vehicle; a police vehicle; a Department of Agriculture, Conservation and Forestry vehicle used for forest fire control; a Department of Corrections vehicle as described in subsection 1, paragraph B, subparagraph (6); and a highway maintenance vehicle may be equipped with a device that provides for alternate flashing of the vehicle's headlights. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 2011, c. 657, Pt. W, §5 (REV).]

B. Only a police vehicle may be equipped with a device that provides for alternate flashing of the vehicle's brake or rear directional lights and back-up lights or strobe lights behind the rear brake lenses. [1995, c. 247, §4 (AMD).]

C. The use of amber lights on vehicles is governed by the following.

(1) A vehicle engaged in highway maintenance or in emergency rescue operations by emergency management and public safety agencies and a public service vehicle may be equipped with auxiliary lights that emit an amber light.

(1-A) A Department of Labor motor vehicle operated by a workplace safety inspector may be equipped with auxiliary lights that emit an amber light.

(2) A wrecker must be equipped with a flashing light mounted on top of the vehicle in such a manner as to emit an amber light over a 360-degree angle. The light must be in use on a public way or a place where public traffic may reasonably be anticipated when servicing, freeing, loading, unloading or towing a vehicle.

(3) A vehicle engaged in snow removal or sanding operations on a public way must be equipped with and display an auxiliary light that provides visible light coverage over a 360-degree range. The light must emit an amber beam of light and be equipped with a blinking or strobe light function and have sufficient intensity to be visible at 500 feet in normal daylight. When the left wing of a plow is in operation and extends over the center of the road, an auxiliary light must show the extreme end of the left wing. That light may be attached to the vehicle so that the beam of light points at the left wing. The light illuminating the left wing may be controlled by a separate switch or by the regular lighting system and must be in operation at all times when the vehicle is used for plowing snow on public ways.

(4) A vehicle equipped and used for plowing snow on other than public ways may be equipped with an auxiliary rotary flashing light that must be mounted on top of the vehicle in such a manner as to emit an amber beam of light over a 360-degree angle, or an amber strobe, or combination of strobes, that emits at a minimum a beam of 50 candlepower and provides visible light coverage over a 360-degree range. The light may be in use on a public way only when the vehicle is entering the public way in the course of plowing private driveways and other off-highway locations.

(5) A rural mail vehicle may be equipped with auxiliary lights.

(a) The lights used to the front must be white or amber, or any shade between white and amber.

(b) The lights used to the rear must be amber or red, or any shade between amber and red.

(c) The lights, whether used to the front or rear, must be mounted at the same level and as widely spaced laterally as possible.

(d) The lights, whether used to the front or rear, must flash simultaneously.

(e) The lights must be visible from a distance of at least 500 feet in normal daylight.

(6) A vehicle used or provided by a contract security company to assist in traffic control and direction at construction or maintenance sites on a public way may be equipped with amber auxiliary lights.

(7) A Department of Public Safety vehicle operated by a motor carrier inspector or motor vehicle inspector may be equipped with auxiliary lights that emit an amber light.

(8) A vehicle used by an animal control officer appointed pursuant to Title 7, section 3947 may be equipped with auxiliary lights that emit a flashing amber light.

(9) A refuse, garbage or trash business vehicle used by an individual to transport refuse, garbage and trash may be equipped with auxiliary lights that emit a flashing amber light.

(10) A vehicle used by an individual to transport and deliver newspapers may be equipped with auxiliary lights that emit a flashing amber light. [ 2015, c. 31, §1 (AMD); 2015, c. 32, §2 (AMD). ]

D. Except as provided in this paragraph, a vehicle may not be equipped with or display a blue light.

(1) Emergency lights used on the following vehicles must emit a blue light or a combination of blue and white light: a police vehicle; a Department of Corrections vehicle as described in subsection 1, paragraph B, subparagraph (6); a vehicle operated by a chief of police, a sheriff or a deputy sheriff; and a vehicle operated by a qualified deputy sheriff or other qualified individual performing court security-related functions and services.

(2) Emergency lights used on an ambulance, an emergency medical service vehicle, a fire department vehicle or a hazardous material response vehicle may include one blue light mounted facing toward the rear of the vehicle so that the light is primarily visible to approaching traffic from the rear only.

(3) The taillight of a vehicle, or replica of a vehicle, manufactured prior to 1952 and registered under section 457, may contain a blue or purple insert of not more than one inch in diameter.

(4) Blue interior auxiliary lighting or dash lighting may be used on any vehicle if no portion of the beam of light is visible at a height of 42 inches above a surface parallel with the level surface on which the vehicle stands at a distance of 20 feet from any part of the vehicle. [ 2005, c. 183, §2 (AMD). ]

E. [ 2003, c. 340, §7 (RP). ]

F. Only vehicles listed in this paragraph, rural mail vehicles as provided in paragraph C, subparagraph (5) and school buses may be equipped with, display or use a red auxiliary or emergency light.

(1) Emergency lights used on an ambulance, an emergency medical service vehicle, a fire department vehicle, a fire vehicle, a rescue vehicle or a hazardous material response vehicle must emit a red light or a combination of red and white light.

(2) The municipal officers or a municipal official designated by the municipal officers, with the approval of the fire chief, may authorize an active member of a municipal or volunteer fire department to use one red or combination red and white flashing auxiliary light mounted in the windshield or on the dashboard at the front of the vehicle or 2 flashing red or combination red and white auxiliary lights mounted on the front of the vehicle above the front bumper and below the hood and one red auxiliary light mounted in the rear window area. The light or lights may be displayed but may be used only while the member is en route to or at the scene of a fire or other emergency. A light mounted on the dashboard or in the windshield must be shielded so that the emitted light does not interfere with the operator's vision. The use of lights may be revoked at any time by the fire chief.

(3) Members of an emergency medical service licensed by Maine Emergency Medical Services may display and use on a vehicle red or combination red and white flashing auxiliary lights and red auxiliary lights of the same proportion, in the same location and under the same conditions as those permitted municipal and volunteer firefighters, when authorized by the chief official of the emergency medical service. The use of lights may be revoked at any time by the chief official of the emergency medical service. [ 2015, c. 31, §2 (AMD) . ]

G. A vehicle may be equipped with a spotlight. Only spotlights on authorized emergency vehicles, highway maintenance vehicles and public service vehicles may be used on a public way, except any vehicle may use a spotlight in cases of necessity when other lights required by law fail to operate. [ 2015, c. 32, §3 (AMD) . ]

H. A vehicle in a funeral procession may be equipped with a flashing light. The light must emit a yellow beam of light. The light may not be more than 5 inches in diameter and must be placed on the dashboard. The light must be shielded so that the emitted light does not interfere with the operator's vision. The flashing light may be used only when the vehicle is used in a funeral procession. In addition, a vehicle operated by a licensed funeral home and used as a lead vehicle in a funeral procession may use a device that provides for a white flashing strobe light in the front grille. [ 2007, c. 62, §1 (AMD) . ]

[ 2015, c. 31, §§1, 2 (AMD); 2015, c. 32, §§2, 3 (AMD) . ]

**3. Sirens.** A bell or siren may not be installed or used on any vehicle, except an authorized emergency vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**4. Right-of-way.** An authorized emergency vehicle operated in response to, but not returning from, a call or fire alarm or operated in pursuit of an actual or suspected violator of the law has the right-of-way when emitting a visual signal using an emergency light and an audible signal using a bell or siren. On the approach of any such vehicle, the operator of every other vehicle shall immediately draw that vehicle as near as practicable to the right-hand curb, parallel to the curb and clear of any intersection and bring it to a standstill until the authorized emergency vehicle has passed. A violation of this subsection is a Class E crime that, notwithstanding Title 17-A, section 1301, is punishable by a minimum fine of \$250 for the first offense and for a 2nd offense occurring within 3 years of the first offense a mandatory 30-day suspension of a driver's license.

[ 1997, c. 162, §1 (AMD) . ]

**4-A. Registered owner's liability for vehicle failing to yield right-of-way.** A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of subsection 4 commits a traffic infraction unless a defense applies pursuant to paragraph D. For purposes of this subsection, "registered owner" includes a person issued a dealer or transporter registration plate.

A. The operator of an authorized emergency vehicle who observes a violation of subsection 4 may report the violation to a law enforcement officer. If a report is made, the operator shall report the time and the location of the violation and the registration plate number and a description of the vehicle involved. The officer shall initiate an investigation of the reported violation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator of the registered owner's motor vehicle. [1997, c. 162, §2 (NEW).]

B. The investigating officer may cause the registered owner of the vehicle to be served with a summons for a violation of this subsection. [1997, c. 162, §2 (NEW).]

C. Except as provided in paragraph D, it is not a defense to a violation of this subsection that a registered owner was not operating the vehicle at the time of the violation. [1997, c. 162, §2 (NEW).]

D. The following are defenses to a violation of this subsection.

(1) If a person other than the registered owner is operating the vehicle at the time of the violation of subsection 4 and is convicted of that violation, the registered owner may not be found in violation of this subsection.

(2) If the registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee and the lessor provides the investigation officer with a copy of the lease agreement containing the information required by section 254, the lessee, not the lessor, may be charged under this subsection.

(3) If the vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer or transporter and if the dealer or transporter provides the investigating officer with the name and address of the person who had control over the vehicle at the time of the violation, that person, not the dealer or transporter, may be charged under this subsection.

(4) If a report that the vehicle was stolen is given to a law enforcement officer or agency before the violation occurs or within a reasonable time after the violation occurs and an investigation determines the vehicle was stolen, the registered owner may not be charged under this subsection. [1997, c. 162, §2 (NEW).]

[ 1997, c. 162, §2 (NEW) .]

**5. Exercise of privileges.** The operator of an authorized emergency vehicle when responding to, but not upon returning from, an emergency call or fire alarm or when in pursuit of an actual or suspected violator of the law may exercise the privileges set forth in this subsection. The operator of an authorized emergency vehicle may:

A. Park or stand, notwithstanding the provisions of this chapter; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Proceed past a red signal, stop signal or stop sign, but only after slowing down as necessary for safe operation; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Exceed the maximum speed limits as long as life or property is not endangered, except that capital security officers and employees of the Department of Corrections may not exercise this privilege; [2001, c. 360, §7 (AMD).]

D. Disregard regulations governing direction of movement or turning in specified directions; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. Proceed with caution past a stopped school bus that has red lights flashing only:

(1) After coming to a complete stop; and

(2) When signaled by the school bus operator to proceed. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

Nothing in this subsection prohibits the operator of an authorized emergency vehicle from activating emergency lights for the limited purpose of warning motorists when entering or exiting structures designed to house the emergency vehicles.

[ 2003, c. 633, §5 (AMD) .]

**6. Emergency lights and audible signals.** The operator of an authorized emergency vehicle who is exercising the privileges granted under subsection 5 shall use an emergency light authorized by subsection 2. The operator of an authorized emergency vehicle who is exercising the privileges granted under subsection 5, paragraphs B, C, D and E shall sound a bell or siren when reasonably necessary to warn pedestrians and other operators of the emergency vehicle's approach.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Duty to drive with due regard for safety.** Subsections 4, 5 and 6 do not relieve the operator of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor do those subsections protect the operator from the consequences of the operator's reckless disregard for the safety of others.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Standards for lights on highway maintenance vehicles.** The Commissioner of Transportation, with the consent of the Chief of the State Police, shall adopt standards and specifications for headlights, clearance lights, identification lights and other lights on highway maintenance vehicles. These standards must include prescribed usage for the various lights when a highway maintenance vehicle is in operation. The standards and specifications adopted pursuant to this section must correspond to and so far as practical conform with those approved by the national association of state highway officials. The standards and specifications adopted pursuant to this section are in addition to and do not supersede the lighting requirements established in subsections 1 to 7 and sections 1904 to 1909.

Highway maintenance vehicles owned by a municipality or performing maintenance under contract to a municipality must meet the lighting requirements established in subsections 1 to 7 and sections 1904 to 1909. A municipality may adopt the standards and specifications developed in accordance with this subsection.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**9. Stationary vehicles.** The operator of a vehicle passing a stationary authorized emergency vehicle using an emergency light or a stationary public service vehicle using its authorized lights, with due regard to the safety and traffic conditions, shall:

- A. Pass in a lane not adjacent to that of the authorized emergency vehicle or public service vehicle, if possible; or [ 2015, c. 32, §4 (AMD) .]
- B. If passing in a nonadjacent lane is impossible or unsafe, pass the emergency vehicle or public service vehicle at a careful and prudent speed reasonable for passing the authorized emergency vehicle or public service vehicle safely. [ 2015, c. 32, §4 (AMD) .]

A violation of this subsection is a traffic infraction for which a minimum fine of \$250 must be adjudged.

[ 2015, c. 32, §4 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 22, §1 (AMD). 1995, c. 65, §C6 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 247, §4 (AMD). 1997, c. 162, §§1,2 (AMD). 1999, c. 29, §2 (AMD). 2001, c. 10, §1 (AMD). 2001, c. 360, §§5-8 (AMD). 2003, c. 78, §§1,2 (AMD). 2003, c. 97, §1 (AMD). 2003, c. 209, §1 (AMD). 2003, c. 340, §7 (AMD).

2003, c. 451, §T14 (AMD). 2003, c. 510, §§C8,9 (AMD). 2003, c. 633, §§4,5 (AMD). 2005, c. 14, §§1-3 (AMD). 2005, c. 15, §1 (AMD). 2005, c. 183, §2 (AMD). 2005, c. 299, §1 (AMD). 2005, c. 314, §12 (AMD). 2005, c. 482, §4 (AMD). 2007, c. 11, §1 (AMD). 2007, c. 62, §1 (AMD). 2007, c. 348, §§18-20 (AMD). 2009, c. 251, §10 (AMD). 2009, c. 317, Pt. F, §1 (AMD). 2009, c. 421, §4 (AMD). 2011, c. 448, §2 (AMD). 2011, c. 657, Pt. W, §5 (REV). 2011, c. 691, Pt. A, §30 (AMD). 2013, c. 462, §4 (AMD). 2015, c. 31, §§1, 2 (AMD). 2015, c. 32, §§1-4 (AMD).

## §2055. ANIMALS ON A PUBLIC WAY

**1. Riding animals or driving animal-drawn vehicles.** A person riding an animal or driving an animal-drawn vehicle on a public way has the rights and is subject to the duties of a vehicle operator, except those provisions that by their nature have no application.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Unattended animal-drawn vehicle.** A person may not allow an animal-drawn vehicle to be on a public way unattended unless the vehicle is reasonably fastened.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Frightened animals.** When a person riding, driving or leading an animal that appears to be frightened signals by putting up a hand or by other visible sign, an operator approaching from the opposite direction must stop as soon as possible and remain stationary as long as necessary and reasonable to allow the animal to pass.

[ 2003, c. 452, Pt. Q, §34 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**3-A. Passing animals.** When traveling in the same direction as an animal on a way, an operator must use reasonable caution in passing the animal.

[ 2003, c. 452, Pt. Q, §35 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**4. Annoyance.** An operator may not knowingly operate a motor vehicle in a manner to annoy, startle, harass or frighten an animal being ridden or driven on or near a public way.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Throwing object.** An operator or person in a motor vehicle may not throw an object or substance from the vehicle toward an animal being ridden or driven on or near a public way.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 452, §§Q34,35 (AMD). 2003, c. 452, §X2 (AFF).

## §2056. PEDESTRIANS

**1. Pedestrian traffic.** When use of a sidewalk next to a public way is practicable, a pedestrian may not walk on that public way.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Pedestrian on way.** Where sidewalks are not provided, a pedestrian shall walk facing approaching traffic on the left side of the public way or the way's shoulder when practicable. An operator of a motor vehicle who is passing a pedestrian on a public way or the way's shoulder shall exercise due care by leaving a distance between the motor vehicle and the pedestrian of not less than 3 feet while the motor vehicle is passing the pedestrian. A motor vehicle operator may pass a pedestrian in a no-passing zone only when it is safe to do so.

[ 2009, c. 91, §1 (AMD) .]

**3. Pedestrians on sidewalks.** An operator shall yield the right-of-way to a pedestrian on a sidewalk.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Pedestrians in marked crosswalks.** When traffic-control devices are not in operation, an operator must yield the right-of-way to a pedestrian who is crossing within a marked crosswalk or to a pedestrian who has shown visible intent to enter the marked crosswalk.

[ 2015, c. 164, §3 (AMD) .]

**5. Pedestrian crossing.** A pedestrian must yield the right-of-way to a vehicle when crossing a way:

A. Other than within a marked crosswalk; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. With an available pedestrian tunnel or overhead pedestrian crossing. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Pedestrian prohibitions.** A pedestrian may not:

A. Cross between adjacent intersections at which traffic-control devices operate, except in a marked crosswalk; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Cross an intersection diagonally, unless authorized by official traffic-control devices; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible for the operator to yield. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. When vehicle stopped.** When a vehicle is stopped at an intersection or a marked crosswalk to permit a pedestrian to cross, the operator of another vehicle approaching from the rear may not overtake and pass the stopped vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Due care.** Notwithstanding other provisions of this chapter or of a local ordinance, an operator of a vehicle shall:

A. Exercise due care to avoid colliding with a pedestrian; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Give warning by sounding the horn when necessary; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]



C. Exercise proper caution on observing a child or any obviously confused, incapacitated or intoxicated person. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**9. Failure to yield right-of-way to a visually impaired pedestrian.** Notwithstanding other provisions of this section, an operator who fails to yield the right-of-way to a visually impaired pedestrian who is carrying a cane that is predominately white or metallic in color, with or without a red tip, or using a guide or personal care dog as defined in Title 17, section 1312, commits a traffic infraction. Notwithstanding section 103, subsection 3, the fine for a violation of this subsection may not be less than \$50 nor more than \$1,000.

[ 1999, c. 92, §1 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 92, §1 (AMD). 1999, c. 101, §1 (AMD). 2009, c. 91, §1 (AMD). 2015, c. 164, §3 (AMD).

## §2057. TRAFFIC-CONTROL DEVICES

An operator shall obey a traffic-control device, unless otherwise directed by a law enforcement officer. A traffic-control device conforming to the requirements for these devices is presumed to comply with this chapter. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Lighted devices.** A traffic-control device may emit only the colors green, red and yellow, except for a pedestrian signal carrying a legend. The lights have the following meanings.

#### A. A green light:

- (1) If circular, means the operator may proceed straight through or turn right or left, unless a sign prohibits either turn; or
- (2) If an arrow, alone or in combination with another indication, means the operator may cautiously enter the intersection only to make the movement indicated by the arrow or other movement as is permitted by other indications shown at the same time.

Notwithstanding the light, the operator must yield the right-of-way to a vehicle or pedestrian lawfully within the intersection or crosswalk. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### B. A yellow light:

- (1) If steady and circular or an arrow, means the operator must take warning that a green light is being terminated or a red light will be exhibited immediately; or
- (2) If showing rapid intermittent flashes, means the operator may proceed only with caution. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### C. A red light, if steady and circular, means:

- (1) The operator must stop and remain stationary until an indication to proceed is shown; or
- (2) The operator may cautiously enter the intersection to make a right turn after stopping if:
  - (a) Not prohibited by an appropriate sign such as "NO RIGHT TURN ON RED"; and
  - (b) The operator executing a turn yields the right-of-way to pedestrians on a crosswalk and to a vehicle having a green signal at the intersection. [2003, c. 452, Pt. Q, §36 (RPR); 2003, c. 452, Pt. X, §2 (AFF).]

C-1. A red light, if a steady arrow, means the operator may not enter the intersection to make the movement indicated by that arrow. [2003, c. 452, Pt. Q, §37 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C-2. A red light, if showing rapid intermittent flashes, means the operator must stop and then proceed as if at a stop sign. [2003, c. 452, Pt. Q, §37 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

D. Red and yellow illuminated together, means the operator may not enter the intersection, as the intersection is reserved for the exclusive use of pedestrians. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2003, c. 452, Pt. Q, §§36, 37 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Basis for prohibiting turn.** A municipality or the Department of Transportation, in determining whether to prohibit a right turn on a red light, must consider at least the following factors:

A. The proximity to that light of schools, fire stations, residences or institutions for the blind; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The number of pedestrians using the intersection; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The complexity of the intersection. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Lane direction control devices.** When lane direction control devices are placed over the individual lanes, an operator may travel in a lane over which a green signal is shown, but may not enter or travel in a lane over which a red signal is shown.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Located other than at an intersection.** If a traffic control device is located at a place other than an intersection, this section is applicable except as to those provisions that by their nature can have no application.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Pedestrians.** Unless otherwise directed by a pedestrian control signal, a pedestrian facing:

A. A green signal, except when the sole green signal is a turn arrow, may proceed across the way within a marked or unmarked crosswalk; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A steady circular yellow or yellow arrow signal, may not start to cross the way, as there is insufficient time to cross before a red indication is shown; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A steady circular red signal or a steady red arrow, may not enter the way. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Pedestrian control devices.** When a pedestrian control device exhibiting the words "walk" and "don't walk" is used, it indicates as follows.

A. A pedestrian facing a "walk" signal may proceed across the way in the direction of the signal and must be given the right-of-way. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A pedestrian may not start to cross a way in the direction of a "don't walk" signal, but a pedestrian who has partially completed crossing may proceed to a sidewalk or safety island. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Stop signs.** Unless directed to proceed by a law enforcement officer or traffic control device, an operator of a vehicle approaching a stop sign shall stop and:

A. Yield the right-of-way to a vehicle that has entered the intersection or that is approaching so closely as to constitute an immediate hazard; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Having yielded, an operator may proceed. All other operators approaching the intersection shall yield the right-of-way to the vehicle so proceeding. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Place of stop.** A stop must be made before entering the intersecting way as follows:

A. Where the intersection is regulated by a traffic control device, at a sign or marking on the pavement indicating where the stop is to be made or, in the absence of a sign or marking, at the device; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Where the intersection is regulated by a stop sign, before entering the crosswalk or, in the absence of a cross walk, at a marked stop line; but if there is no stop line, at a point nearest the intersecting way where the operator has a view of approaching traffic. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**9. Evidence.** The placing of a traffic control device in a position approximately conforming to this chapter is prima facie evidence that the device has been placed by the official act or direction of lawful authority.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**10. Failure to yield; criminal offense.** A person commits a Class E crime if the person operates a vehicle past a yield sign and collides with a vehicle, person riding a bicycle or pedestrian proceeding on the intersecting way.

[ 2015, c. 164, §4 (AMD) .]

**10-A. Failure to yield; traffic infraction.** A person commits a traffic infraction if the person operates a vehicle or a bicycle past a yield sign and fails to yield the right-of-way to a vehicle, person riding a bicycle or pedestrian proceeding on the intersecting way.

[ 2015, c. 164, §5 (AMD) .]

**11. Avoidance of traffic control device prohibited.** An operator may not operate a motor vehicle through a parking area to avoid obeying or conforming to the requirements of a traffic control device.

[ 1999, c. 183, §9 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 183, §9 (AMD). 2003, c. 452, §§Q36,37 (AMD). 2003, c. 452, §X2 (AFF). 2007, c. 348, §§21, 22 (AMD). 2015, c. 164, §§4, 5 (AMD).

## §2057-A. PREEMPTIVE TRAFFIC LIGHT DEVICES PROHIBITED

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Lighted traffic control device" means a traffic control device conforming to the requirements of section 2057, subsection 1. [2003, c. 633, §6 (NEW) .]

B. "Preemptive traffic light device" means a device, including a signal prioritization device or a signal preemption device, capable of altering or interrupting the normal cycle of a lighted traffic control device or equipment associated with the functionality of a lighted traffic control device. [2013, c. 61, §1 (AMD) .]

C. "Signal preemption device" means a device that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a lighted traffic control device, causes:

- (1) The signal, in the direction of travel of the vehicle, to remain green if the signal is already displaying a green light or to change from red to green if the signal is displaying a red light;
- (2) The signal, in other directions of travel, to remain red or change to red, as applicable, to prevent other vehicles from entering the intersection; and
- (3) The applicable functions described in subparagraphs (1) and (2) to continue until the vehicle equipped with the device is clear of the intersection. [2013, c. 61, §1 (NEW) .]

D. "Signal prioritization device" means a device that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a lighted traffic control device, causes:

- (1) The signal, in the direction of travel of the vehicle, to display a green light sooner than the green light would otherwise be displayed;
- (2) The signal, in the direction of travel of the vehicle, to display a green light longer than the green light would otherwise be displayed; and
- (3) The applicable functions described in subparagraphs (1) and (2) to continue until the vehicle equipped with the device is clear of the intersection. [2013, c. 61, §1 (NEW) .]

[ 2013, c. 61, §1 (AMD) .]

**2. Violation.** A person commits a Class E crime if that person possesses a preemptive traffic light device or operates or allows the operation of a motor vehicle, vehicle, motorized wheelchair, electric personal mobility device, scooter or bicycle equipped with a preemptive traffic light device.

[ 2003, c. 633, §6 (NEW) .]

**3. Exemptions.** This section does not apply to:

A. An authorized emergency vehicle equipped with a signal prioritization device or signal preemption device or both maintained by a municipality, county or state agency or an ambulance or emergency medical services vehicle as defined in section 2054, subsection 1; [2013, c. 61, §1 (AMD) .]

B. Transit route buses equipped with signal prioritization devices engaged in the transportation of passengers and maintained by or contracted to a municipal, county or state agency; [ 2013, c. 61, §1 (AMD) . ]

C. A vehicle equipped with a signal prioritization device used by the Department of Transportation for the purpose of installing, maintaining or testing a lighted traffic control device; or [ 2013, c. 61, §1 (AMD) . ]

D. A vehicle equipped with a signal prioritization device owned or contracted by a municipality engaged in snow removal or sanding operations on a public way and authorized by the municipal officers or a vehicle equipped with a signal prioritization device owned or contracted by a county or state agency engaged in snow removal or sanding operations on a public way. [ 2013, c. 61, §1 (NEW) . ]

A vehicle under paragraph B, C or D may not operate a signal prioritization device in a manner that impedes or interferes with the use of a signal prioritization device by a vehicle under paragraph A. A vehicle under paragraph C may not operate a signal prioritization device in a manner that impedes or interferes with the use of a signal prioritization device by a vehicle under paragraphs B and D.

[ 2013, c. 61, §1 (AMD) . ]

#### SECTION HISTORY

2003, c. 633, §6 (NEW). 2013, c. 61, §1 (AMD).

## §2058. THROUGH WAYS

**1. Designation.** The Department of Transportation may designate a state or state aid highway as a "through way." The Department of Transportation, after notice, may revoke any such designation. Municipal officers may designate a way under their jurisdiction as a "through way."

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**2. Signs.** A through way designation is not effective until suitable warning signs or signals are erected.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**3. Intersection.** For the purpose of this section, a way joining a through way at an angle, whether or not crossing, is deemed to intersect the through way.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**4. Other stop signs.** The Department of Transportation or municipal officers may designate an intersection as a stop intersection and erect stop signs at one or more entrances.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**5. Yield.** The Department of Transportation or municipal officers may erect standard signs requiring operators to yield the right-of-way at certain intersections.

A. Yield signs may be designated where it is expedient to allow traffic to move through or into the intersection at a reasonable speed for existing conditions of traffic and visibility, yielding the right-of-way to vehicles or pedestrians approaching from either direction on the intersecting street. [ 2003, c. 452, Pt. Q, §38 (NEW); 2003, c. 452, Pt. X, §2 (AFF) . ]

B. A vehicle approaching on a through way so as to arrive at an intersection at approximately the same instant as a vehicle approaching on another way has the right-of-way. [2003, c. 452, Pt. Q, §38 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. Q, §38 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

**6. Procedure.** A through way designation pursuant to this section is exempt from the Maine Administrative Procedure Act.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 452, §Q38 (AMD). 2003, c. 452, §X2 (AFF).

## §2059. ONE-WAY ROAD

On a public way posted for one-way traffic, a vehicle may be driven only in the direction designated.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2060. TURNING AT INTERSECTIONS

An operator intending to turn at an intersection may do so as follows. [1993, c. 683, Pt. A,

§2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Right turns.** The operator shall make both the approach and a right turn as close as practicable to the right-hand curb or edge of the way.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**1-A. Right turns near bicyclists or roller skiers.** A person operating a motor vehicle near a person operating a bicycle or roller skis and proceeding in the same direction may not make a right turn unless the turn can be made with reasonable safety and without interfering with the safe and legal operation of the bicycle or roller skis.

[ 2013, c. 241, §2 (AMD) .]

**2. Left turns on 2-way roadways.** At an intersection where traffic is permitted to move in both directions on each way entering the intersection, an approach for a left turn must be made in that portion of the right half of the way nearest the center line and by passing to the right of the center line where it enters the intersection. After entering the intersection, an operator must make the left turn so as to leave the intersection to the right of the center line of the roadway being entered.

When practicable, the left turn must be made in that portion of the intersection to the left of the center of the intersection.

An operator intending to turn to the left must yield the right-of-way to traffic approaching from the opposite direction that is so close as to constitute an immediate hazard.

[ 2013, c. 241, §3 (AMD) .]

**3. Left turns on other than two-way roadways.** At an intersection where traffic is restricted to one direction on a way, an operator intending to turn left shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of that vehicle. After entering the intersection, the left turn must be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in that direction on the way being entered.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Markers, buttons or signs for different course.** A municipality may cause markers, buttons or signs to be placed within or adjacent to an intersection requiring a different course to be traveled by a vehicle turning at an intersection. When markers, buttons or signs are so placed, an operator shall obey them.

[ 2003, c. 452, Pt. Q, §40 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2001, c. 148, §2 (AMD). 2003, c. 452, §§Q39,40 (AMD). 2003, c. 452, §X2 (AFF). 2009, c. 484, §3 (AMD). 2013, c. 241, §§2, 3 (AMD).

## §2061. RIDING IN TRAILERS

**1. Prohibition.** A person commits a traffic infraction if that person occupies a camp trailer, mobile home, semitrailer or trailer while it is being moved on a public way.

[ 2015, c. 176, §4 (AMD) .]

**2. Exceptions.** This section does not apply to:

A. An employee in the necessary discharge of duties to an employer; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A trailer being utilized for farming or agricultural purposes; [2001, c. 132, §1 (AMD).]

C. A trolley trailer, as defined in section 101, subsection 87, when all passengers on the trolley trailer are seated and the towing machine does not exceed 10 miles per hour; or [2001, c. 132, §1 (AMD).]

D. A person with a disability, as defined in section 521, in a vehicle that requires road service when it is not practical to transport the person with a disability by any other means. [2001, c. 132, §2 (NEW).]

[ 2001, c. 132, §§1, 2 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 183, §10 (AMD). 2001, c. 132, §§1,2 (AMD). 2015, c. 176, §4 (AMD).

## §2062. MOTORCYCLES

**1. Seating.** Seating on a motorcycle is as follows.

A. A person operating a motorcycle may ride only on the permanent and regular seat attached. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. More than 2 persons may not ride on a motorcycle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The number of passengers in a sidecar attached to a motorcycle may not exceed the number of permanent seats for which the sidecar has been designed, to a maximum of 2 persons. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. A passenger may only ride on permanent seating with no more than one passenger occupying each seat. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Headlight.** When the motorcycle is on a public way, the motorcycle's headlight must be on.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Handlebars.** A person may not operate on a public way a motorcycle equipped with handlebars whose handgrips are higher than the shoulder level of the operator.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Lane use; motorcycles and mopeds.** Lane use by motorcycles and mopeds is restricted as follows.

A. An operator of a motorcycle other than a moped may fully use a lane. [2003, c. 452, Pt. Q, §41 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. More than 2 motorcycles may not be operated abreast within the same lane. [2003, c. 452, Pt. Q, §41 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. A motor vehicle may not be driven in such a manner as to deprive a motorcycle of the full use of a lane. [2003, c. 452, Pt. Q, §41 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

D. A moped may be operated only in single file and as far as practicable to the right side of the way at all times, except when making a left turn. [2003, c. 452, Pt. Q, §41 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. Q, §41 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

**5. Passing.** A motorcycle operator may not overtake or pass in the lane occupied by the vehicle being overtaken, except for passing a bicycle or a roller skier. This subsection does not apply to a law enforcement officer performing an officer's duties.

[ 2009, c. 484, §4 (AMD) .]

**6. Between lines.** A person may not operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Raising wheel.** A person may not intentionally or knowingly raise the front wheel of a motorcycle off the surface when operating it on a public way or any place where public traffic may reasonably be anticipated.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 452, §Q41 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 577, §28 (AMD). 2009, c. 484, §4 (AMD).



## §2063. BICYCLES, ROLLER SKIS, TOY VEHICLES AND SCOOTERS

**1. Definitions.** For the purpose of this section, "bicycle" includes a motorized bicycle, a motorized tricycle or a motorized scooter.

[ 2007, c. 400, §2 (AMD) . ]

**2. Riding to the right.** A person operating a bicycle or roller skis upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time and place shall operate on the right portion of the way as far as practicable except when it is unsafe to do so as determined by the bicyclist or roller skier or:

A. When overtaking and passing another roller skier, bicycle or other vehicle proceeding in the same direction; [ 2009, c. 484, §5 (AMD) . ]

B. When preparing for or making a left turn at an intersection or into a private road or driveway; [ 2007, c. 400, §3 (NEW) . ]

C. When proceeding straight in a place where right turns are permitted; and [ 2007, c. 400, §3 (NEW) . ]

D. When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, roller skiers, pedestrians, animals, broken pavement, glass, sand, puddles, ice, surface hazards or opening doors from parallel-parked vehicles, or a lane of substandard width that makes it unsafe to continue along the right portion of the way. For purposes of this paragraph, "lane of substandard width" means a lane that is too narrow for a bicycle or roller skier and a vehicle to travel safely side by side in the lane. [ 2009, c. 484, §5 (AMD) . ]

This subsection does not apply in a municipality that, by ordinance approved by the Department of Public Safety and the Department of Transportation, makes other provisions regarding the operating location of a bicycle or roller skier on a roadway.

[ 2013, c. 241, §4 (AMD) . ]

**2-A. Bicycle or roller skier traveling on shoulder.** Notwithstanding subsection 2, a person operating a bicycle or roller skis may travel on paved shoulders.

[ 2009, c. 484, §5 (AMD) . ]

**3. Seating.** A person operating a bicycle may not ride other than upon or astride a regular and permanently attached seat.

[ 2007, c. 400, §4 (AMD) . ]

**3-A. Number of persons.** A bicycle may not be used to carry more persons than the number for which it is designed and equipped.

[ 2003, c. 452, Pt. Q, §43 (NEW); 2003, c. 452, Pt. X, §2 (AFF) . ]

**4. Hitching rides.** A person riding on roller skis, a bicycle or a scooter may not attach it to a moving vehicle on a way.

[ 2009, c. 484, §5 (AMD) . ]

**5. Rights and duties.** A person riding a bicycle or scooter or operating roller skis on a way has the rights and is subject to the duties applicable to the operator of a vehicle, except as to:

A. Special regulations; and [ 2001, c. 667, Pt. C, §17 (RPR) . ]

B. Provisions in this Title that by their nature can have no application. [2001, c. 667, Pt. C, §17 (RPR).]

[2009, c. 484, §5 (AMD).]

**6. Speed.** A motorized bicycle or motorized scooter may not be operated in excess of 20 miles per hour.

[2001, c. 667, Pt. C, §17 (RPR).]

**7. Penalties.** A person 17 years of age or over who violates subsection 2, 3, 3-A, 4, 6, 9, 10, 11, 12 or 13 commits a traffic infraction for which a fine of not less than \$25 and not more than \$250 may be adjudged. A person under 17 years of age is not subject to a fine under this section.

[2015, c. 164, §6 (AMD).]

**8. Impoundment.** The chief of police of a municipality, or if there is no chief of police, the chair of the local legislative body, when satisfied that a juvenile under the age of 17 years has ridden a bicycle or scooter or has operated roller skis in violation of this section, may impound the bicycle, scooter or roller skis for a period not to exceed 5 days for the first offense, 10 days for a 2nd offense and 30 days for a subsequent offense.

[2009, c. 484, §5 (AMD).]

**9. Passing a school bus.** A person operating a bicycle or roller skis on a way, in a parking area or on school property, on meeting or overtaking a school bus from either direction when the bus has stopped with its red lights flashing to receive or discharge passengers, shall stop the bicycle or roller skis before reaching the school bus. The person may not proceed until the school bus resumes motion or until signaled by the school bus operator to proceed.

The operator of a bicycle or roller skis on a way separated by curbing or other physical barrier need not stop on meeting or passing a school bus traveling in a lane separated by the barrier from the lane in which that person is traveling.

[2009, c. 484, §5 (AMD).]

**10. Duty to yield.** A bicyclist, roller skier or other nonmotorized traffic must yield the right-of-way to a pedestrian crossing the way in a marked crosswalk who is proceeding in accordance with a traffic-control device as provided in section 2057 or who is proceeding without a traffic-control device in operation. For purposes of this subsection, "yield the right-of-way" means to slow or stop to avoid colliding with or causing other harm to a pedestrian.

[2015, c. 164, §7 (NEW).]

**11. Traffic-control devices.** A person operating a bicycle or roller skis shall obey a traffic-control device, unless otherwise directed by a law enforcement officer. A traffic-control device conforming to the requirements for these devices is presumed to comply with this chapter.

[2015, c. 164, §7 (NEW).]

**12. Stop signs.** Unless directed to proceed by a law enforcement officer or traffic-control device, a person operating a bicycle or roller skis approaching a stop sign shall stop and:

A. Yield the right-of-way to a vehicle that has entered the intersection or that is approaching so closely as to constitute an immediate hazard; and [2015, c. 164, §7 (NEW).]

B. Having yielded, a person operating a bicycle or roller skis may proceed. All other operators approaching the intersection shall yield the right-of-way to the person operating a bicycle or roller skis so proceeding. [2015, c. 164, §7 (NEW).]

[ 2015, c. 164, §7 (NEW) .]

**13. One-way road.** On a public way posted for one-way traffic, unless directed to proceed by a law enforcement officer or traffic-control device, a bicycle may be ridden only in the direction designated.

[ 2015, c. 164, §7 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 371, §1 (AMD). 2001, c. 148, §3 (AMD). 2001, c. 197, §6 (AMD). 2001, c. 360, §9 (AMD). 2001, c. 667, §C17 (RPR). 2003, c. 452, §§Q42,43 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 577, §29 (AMD). 2007, c. 400, §§2-6 (AMD). 2009, c. 212, §1 (AMD). 2009, c. 484, §5 (AMD). 2013, c. 241, §4 (AMD). 2013, c. 482, §2 (AMD). 2015, c. 164, §§6, 7 (AMD).

## §2063-A. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

**1. Limiting use.** The department or a municipality with respect to a way under its jurisdiction may prohibit the operation of electric personal assistive mobility devices. Municipalities may impose limits on the operation of electric personal assistive mobility devices in accordance with the provisions set forth in Title 30-A, section 3009.

[ 2001, c. 687, §16 (NEW) .]

**2. Operation.** Electric personal assistive mobility devices may be operated anywhere pedestrians are permitted to travel, including, but not limited to, sidewalks, public ways with speed limits of 35 miles per hour or less and bike paths, unless such operation is prohibited by local ordinance or state or federal law. A person operating an electric personal assistive mobility device shall at all times yield the right of way to pedestrians. In addition, a person operating an electric personal assistive mobility device shall give an audible signal before overtaking or passing a pedestrian.

[ 2001, c. 687, §16 (NEW) .]

**3. Riding to the right.** Electric personal assistive mobility devices may operate on public ways where the speed limit is 35 miles per hour or less only where a sidewalk or bike path is unavailable. During operation on a public way, a person operating an electric personal assistive mobility device shall ride it as far as practicable to the right side of the way, except when making a left turn, and shall cross public ways using crosswalks where available. This subsection does not apply in a municipality that makes other provisions for the location of traffic by bicycles, motorized scooters and electric personal assistive mobility devices. During operation on a public way at nighttime or at other times when motor vehicles are required to display headlights, a person operating an electric personal assistive mobility device shall wear reflective clothing or a reflective device that is visible at least 200 feet from the rear or shall employ an equivalent illumination device located on the electric personal assistive mobility device.

[ 2001, c. 687, §16 (NEW) .]

**4. Speed.** On sidewalks, a person operating an electric personal assistive mobility device may not exceed speeds of 5 miles per hour. On public ways and bike paths, a person operating an electric personal assistive mobility device may not exceed speeds of 15 miles per hour.

[ 2001, c. 687, §16 (NEW) .]

**5. Hitching rides.** A person operating an electric personal assistive mobility device may not attach it to a moving vehicle on a way.

[ 2001, c. 687, §16 (NEW) .]

**6. Lights.** When in use at nighttime or at other times when motor vehicles are required to display headlights, an electric personal assistive mobility device must have:

A. A lit front light that emits a white light visible from a distance of at least 200 feet to the front; [2001, c. 687, §16 (NEW) .]

B. A red reflector to the rear that is visible at least 200 feet to the rear; and [2001, c. 687, §16 (NEW) .]

C. At least one reflector strip prominently displayed on the device's tires. [2001, c. 687, §16 (NEW) .]

[ 2001, c. 687, §16 (NEW) .]

**7. Stopping.** An electric personal assistive mobility device must be equipped to enable the operator to stop the device within a reasonable distance.

[ 2001, c. 687, §16 (NEW) .]

**8. Violations during 183-day trial period.**

[ 2001, c. 687, §16 (NEW); T. 29-A, §2063-A, sub-§8 (RP) .]

**9. Violations.** Beginning 183 days after the effective date of this section, a person who violates this section commits a traffic infraction for which a forfeiture of not more than \$10 may be adjudged for the first offense and a forfeiture of not more than \$25 may be adjudged for the 2nd or subsequent offense. In addition to a forfeiture that may be adjudged, a person who commits a 3rd or subsequent offense may have that person's electric personal assistive mobility device impounded for no more than 30 days.

[ 2015, c. 1, §33 (COR) .]

**10. Registration.** Electric personal assistive mobility devices are not subject to the requirements of chapter 5.

[ 2001, c. 687, §16 (NEW) .]

SECTION HISTORY

2001, c. 687, §16 (NEW). RR 2015, c. 1, §33 (COR).

## §2063-B. TOY VEHICLES

**1. Definitions.** For the purpose of this section, "toy vehicle" includes, but is not limited to, skateboards, rollerskates, wagons, sleds and coasters.

[ 2007, c. 400, §7 (NEW) .]

**2. Hitching rides.** A person riding on a toy vehicle may not attach it to a moving vehicle on a way.

[ 2007, c. 400, §7 (NEW) .]

**3. Penalties.** A person 17 years of age or over who violates this section commits a traffic infraction for which a fine of not less than \$25 and not more than \$250 may be adjudged.

[ 2013, c. 482, §3 (AMD) .]

**4. Impoundment.** The chief of police of a municipality, or if there is no chief of police, the chair of the local legislative body, when satisfied that a juvenile under 17 years of age has ridden a toy vehicle in violation of this section, may impound the toy vehicle for a period not to exceed 5 days for the first offense, 10 days for a 2nd offense and 30 days for a subsequent offense.

[ 2007, c. 400, §7 (NEW) .]

#### SECTION HISTORY

2007, c. 400, §7 (NEW). 2013, c. 482, §3 (AMD).

## §2064. NO COASTING ON GRADE IN NEUTRAL

An operator, when traveling on a downgrade, may not coast with the gears of the vehicle in neutral. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2065. DRIVING OVER FIRE HOSE

An operator of a motor vehicle may not drive over an unprotected hose of a fire department laid down on a way for a fire or alarm without the consent of the police or fire department official in command. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2066. FOLLOWING TOO CLOSELY

**1. Prohibition.** An operator of a vehicle may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles, the traffic and the condition of the way.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Vehicles towing other vehicles.** An operator of a vehicle towing another vehicle, when traveling outside of a business or residential district and following a vehicle towing another vehicle and when conditions permit, shall leave sufficient space so that an overtaking vehicle may enter the space between the 2 vehicles without danger. This subsection does not prohibit a motor vehicle towing another vehicle from overtaking and passing another vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Motorcades.** Motor vehicles being driven outside of a business or residential district in a caravan or motorcade must be operated as to allow sufficient space between vehicles so that an overtaking vehicle may enter the space between vehicles without danger. This subsection does not apply to funeral processions.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Trucks.** A truck operator, when traveling outside of a business or residential district, may not follow within 150 feet of another truck. This subsection does not prohibit one truck overtaking or passing another.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Following fire apparatus; other emergency vehicles.** An operator may not follow within 500 feet of fire apparatus traveling in response to a fire alarm or within 150 feet of any other authorized emergency vehicle as defined in section 2054, subsection 1, paragraph B that is using an emergency light as defined in section 2054, subsection 1, paragraph D.

[ 2001, c. 360, §10 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2001, c. 360, §10 (AMD).

## §2067. LIGHTS

**1. Display of headlights.** A vehicle located on a way must be equipped with headlights as described in section 1904. The headlights must be illuminated:

A. During the period from sunset to sunrise; [2015, c. 51, §1 (AMD) .]

B. At any time when, due to insufficient light or unfavorable atmospheric conditions, including, but not limited to, rain, freezing rain, fog or snow, persons or vehicles on the way are not discernible for a distance of 1,000 feet ahead; and [1997, c. 249, §1 (NEW) .]

C. At any time when windshield wipers are in constant use. [1997, c. 249, §1 (NEW) .]

This subsection does not apply to a vehicle that is parked or standing off the main traveled portion of the way.

[ 2015, c. 51, §1 (AMD) .]

**2. Dimming.** When a vehicle equipped with multiple-beam road lights approaches an oncoming vehicle within 500 feet or follows a vehicle within 300 feet, the operator shall dim the headlights or switch to a low beam and shall turn off a fog light allowed by section 1909-A, unless the fog light was installed by the vehicle manufacturer at the time the vehicle was originally manufactured.

[ 2003, c. 340, §8 (AMD) .]

**3. Parking or standing.** Unless a municipal ordinance specifically provides otherwise, a vehicle may not be parked or stand on or beside the left-hand side of a way during the times when lighted lamps are required in a manner that its lights project in the direction of oncoming traffic.

[ 2001, c. 360, §11 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 115, §1 (AMD). 1997, c. 249, §1 (AMD). 1997, c. 653, §9 (AMD). 2001, c. 360, §11 (AMD). 2003, c. 340, §8 (AMD). 2015, c. 51, §1 (AMD).

## §2068. PARKING

**1. On ways.** The following provisions apply to parking on public ways.

A. A person may not park a vehicle, whether attended or unattended, on the traveled portion of a public way outside of a business or residence district when it is practicable to park off of the way. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A person may not park a vehicle on a public way unless:

(1) A clear and unobstructed width of at least 10 feet is left for free passage of other vehicles on the way; and

(2) An approaching vehicle has a clear view of the way for 300 feet beyond the parked vehicle, before approaching within 200 feet of it. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B-1. A person may not park a vehicle on the following portions of a public way that are included in a limited-access highway:

(1) On a traffic lane, deceleration lane, acceleration lane or on a bridge; or

(2) On the shoulder to the left of the traffic lanes. [1997, c. 653, §10 (NEW).]

C. The Department of Transportation may place signs prohibiting or restricting the stopping, standing or parking of vehicles on a public way or within 10 feet of the traveled portion of a way or on property under its jurisdiction, where stopping, standing or parking is dangerous to those using the way or would unduly interfere with the free movement of traffic. [2003, c. 452, Pt. Q, §44 (AMD); 2003, c. 452, Pt. X, §2 (AFF).]

C-1. An operator may not stop, stand or park a vehicle in violation of the restriction on a sign under paragraph C. [2003, c. 452, Pt. Q, §45 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

D. This subsection does not apply to a vehicle that is:

(1) Disabled to the extent that it is impossible to avoid stopping and temporarily leaving the vehicle; or

(2) Employed in construction, maintenance or repair of pipes and wires of a public utility in, on, along, over, across and under a public way. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2003, c. 452, Pt. Q, §§44, 45 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Brakes set.** An operator may not allow a motor vehicle to stand on a public way and remain unattended without effectively setting its brakes.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Moving parked vehicle.** A person may not move a vehicle that is stopped, standing or parked on a public way until movement can be made with reasonable safety.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Opening and closing doors.** A person may not open the door of a motor vehicle on the side of moving traffic unless opening the door is reasonably safe to do and can be done without interfering with the movement of traffic.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Open doors.** A person may not leave a door of a vehicle open on the side of moving traffic for a period of time longer than necessary to load or unload passengers.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 653, §10 (AMD). 2003, c. 452, §§Q44,45 (AMD). 2003, c. 452, §X2 (AFF).

## **§2069. AUTHORITY TO REMOVE AN IMPROPERLY PARKED VEHICLE; VEHICLES USED IN COMMISSION OF A CRIME**

**1. Parked in violation.** A law enforcement officer or the Department of Transportation may cause the removal of a vehicle or require the operator to move the vehicle from a location in violation of section 2068, subsection 1 to a location where parking is permitted.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Interfering with snow removal, normal traffic movement.** A law enforcement officer may cause the removal to a suitable parking place, at the expense of the registered owner, of a vehicle interfering with snow removal or the normal movement of traffic or parked within the limits of a right-of-way. The Department of Transportation may take the same action for a vehicle standing on property under its jurisdiction.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Vehicle used in connection with a crime or operating after suspension traffic infraction.** A law enforcement officer may cause the removal to a suitable parking place of a vehicle connected with:

- A. The arrest of the operator or owner of that vehicle; [2015, c. 159, §4 (NEW) .]
- B. The issuance of a summons for a traffic infraction as described in section 2412-A, subsection 8; [2015, c. 159, §4 (NEW) .]
- C. A suspended registration pursuant to Title 23, section 1980 or the suspension of the owner's right to operate the vehicle pursuant to section 2461 for failure to pay a toll; or [2015, c. 159, §4 (NEW) .]
- D. The commission of a crime. [2015, c. 159, §4 (NEW) .]

When a vehicle has been removed pursuant to paragraph C, the vehicle may be released only after the tolls, fees and penalties have been paid and the vehicle's registration has been reinstated or the owner's right to operate the vehicle has been restored.

[ 2015, c. 159, §4 (AMD) .]

**4. Liability for damages; charges.** The State, a political subdivision of the State or a law enforcement officer is not liable for damage that may be caused by removal of a vehicle or for any towing or storage charges.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]



**5. Notification.** Upon removal of a vehicle in accordance with this section, the notification requirements and provisions for payment of towing and storage costs in chapter 15, subchapter 3 apply.

[ 2009, c. 2, §82 (COR) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). RR 2009, c. 2, §82 (COR). 2009, c. 493, §1 (AMD). 2015, c. 159, §4 (AMD).

## §2070. PASSING ANOTHER VEHICLE

**1. Passing on left.** An operator of a vehicle passing another vehicle proceeding in the same direction must pass to the left at a safe distance and may not return to the right until safely clear of the passed vehicle. An operator may not overtake another vehicle by driving off the pavement or main traveled portion of the way.

[ 1997, c. 653, §11 (AMD) .]

**1-A. Passing bicycle or roller skier.** An operator of a motor vehicle that is passing a bicycle or roller skier proceeding in the same direction shall exercise due care by leaving a distance between the motor vehicle and the bicycle or roller skier of not less than 3 feet while the motor vehicle is passing the bicycle or roller skier. A motor vehicle operator may pass a bicycle or roller skier traveling in the same direction in a no-passing zone only when it is safe to do so.

The collision of a motor vehicle with a person operating a bicycle or roller skis is prima facie evidence of a violation of this subsection.

[ 2013, c. 241, §5 (AMD) .]

**2. Giving way.** Except when passing on the right is permitted, the operator of passed vehicle:

A. Shall give way to the right in favor of the passing vehicle upon audible signal; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. May not increase speed until completely overtaken by the passing vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Visibility.** A passing vehicle may be operated to the left of the way's center only when the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit overtaking to be completed without interfering with the safe operation of an approaching or passed vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Returning to the right.** The passing vehicle must return to the right before coming within 100 feet of an approaching vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Limitation.** Except on a one-way road, an operator may not drive to the left side of the way under the following conditions:

A. When approaching the crest of a grade or on a curve where the operator's view is obstructed for a distance as to create a hazard if another vehicle approached from the opposite direction; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

- B. When approaching within 100 feet of or traversing an intersection or railroad grade crossing, except when turning to the left to enter an intersecting way; [2005, c. 141, §1 (AMD).]
- C. When the view is obstructed within 100 feet of a bridge, viaduct or tunnel; [2005, c. 141, §1 (AMD).]
- D. When the single center line highway marking method is used and an unbroken painted line is marked on the way, except in an emergency; or [2005, c. 141, §2 (NEW).]
- E. When the double center line highway marking method is used and an unbroken painted line is marked on the way in the operator's lane, except in an emergency. [2005, c. 141, §2 (NEW).]

[ 2005, c. 141, §§1, 2 (AMD) .]

**6. Passing on the right.** An operator may pass a vehicle on the right only under the following conditions:

- A. When the vehicle to be passed is making or about to make a left turn; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- B. On a way with unobstructed pavement not occupied by parked vehicles and of sufficient width for 2 or more lines of traffic in each direction; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- C. On a way on which traffic is restricted to one direction, when the roadway is free from obstructions and of sufficient width for 2 or more lines of traffic. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

An operator may pass on the right only under conditions permitting that movement in safety. An operator may not overtake by driving off the pavement or main traveled portion of the way.

A person operating a bicycle or roller skis may pass a vehicle on the right at the bicyclist's or roller skier's own risk.

[ 2009, c. 484, §7 (AMD) .]

**7. Evidence.** The placing on a roadway of highway markings conforming to this chapter is prima facie evidence that the markings have been placed by the official act or direction of lawful authority.

[ 2005, c. 141, §3 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 653, §11 (AMD). 2005, c. 141, §§1-3 (AMD). 2007, c. 400, §§8, 9 (AMD). 2009, c. 484, §§6, 7 (AMD). 2013, c. 241, §5 (AMD).

## §2071. TURNING AND SIGNALS

**1. Prohibition.** An operator may not turn a vehicle or move right or left on a public way unless the movement can be made with reasonable safety.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Turn signal.** An operator must give a turn signal as follows.

- A. An operator may not turn a vehicle without giving an appropriate signal if other traffic may be affected by that movement. [2003, c. 452, Pt. Q, §46 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. A turn signal must be given continuously during at least the last 100 feet traveled before turning.  
[ 2003, c. 452, Pt. Q, §46 (NEW); 2003, c. 452, Pt. X, §2 (AFF). ]

[ 2003, c. 452, Pt. Q, §46 (RPR); 2003, c. 452, Pt. X, §2 (AFF) . ]

**3. Stop signal.** An operator may not stop or suddenly decrease a vehicle's speed without first giving an appropriate signal to the operator of a vehicle immediately to the rear.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**4. Types of signals.** A stop or turn signal must be given by the hand and arm, a signal light or mechanical signal device.

A. When a vehicle is constructed or loaded so that a hand and arm signal is not visible to the front and rear, then signals must be given by a light or device. [ 2003, c. 452, Pt. Q, §46 (NEW); 2003, c. 452, Pt. X, §2 (AFF). ]

B. A light signal must emit a white or amber light to the front and a red or amber light to the rear for turn signals and red to the rear for stop signals. [ 2003, c. 452, Pt. Q, §46 (NEW); 2003, c. 452, Pt. X, §2 (AFF). ]

[ 2003, c. 452, Pt. Q, §46 (RPR); 2003, c. 452, Pt. X, §2 (AFF) . ]

**5. Hand signals.** Signals by hand and arm must be given by the left arm from the left side of a vehicle in the following manner:

A. To indicate a left turn, the hand and arm must be extended horizontally; [ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

B. To indicate a right turn, the hand and arm must be extended upward, except that a person who is operating a bicycle or roller skis is not in violation of this subsection if the person signals a right turn by extending the person's right hand and arm horizontally; and [ 2009, c. 484, §8 (AMD). ]

C. To indicate a stop or a decrease in speed, the hand and arm must be extended downward. [ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

A person operating a bicycle may return the hand used to signal a turn to the handlebars during the turn to maintain proper control of the bicycle. A roller skier may return the hand used to signal a turn to a position required to maintain proper control of the roller skis during the turn.

[ 2009, c. 484, §8 (AMD) . ]

**6. Fire departments exempted.** This section does not apply to vehicles operated by organized fire departments.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 371, §2 (AMD). 2001, c. 148, §4 (AMD). 2003, c. 452, §Q46 (AMD). 2003, c. 452, §X2 (AFF). 2009, c. 484, §8 (AMD).

## §2072. U-TURNS

An operator may not turn a vehicle to proceed in the opposite direction on a curve or on the approach to or near the crest of a grade, where the vehicle can not be seen by the operator of another vehicle approaching in either direction within 500 feet. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2073. AUTHORITY TO REGULATE SPEEDS

**1. Authority to regulate.** Except as provided in section 2075, subsection 2 and notwithstanding section 2074, subsection 1, the Commissioner of Transportation, with the approval of the Chief of the State Police, may:

A. Restrict the maximum rate of speed on a public way where a speed limit will minimize the danger of accident, promote the free flow of traffic, conserve motor fuel or respond to changes in federal laws; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Increase the maximum rate of speed on a public way where higher speeds are warranted to promote the normal and reasonable movement of traffic; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Make an adjustment of maximum rates of speed. An adjustment under this paragraph is exempt from the provisions of the Maine Administrative Procedure Act.

The commissioner may not set maximums that exceed 60 miles per hour or, on the interstate system or other divided controlled-access highways, 75 miles per hour.

The commissioner may not set maximums for the Maine Turnpike. [2013, c. 107, §1 (AMD).]

[ 2013, c. 107, §1 (AMD) .]

**2. Municipal request.** If a municipal request to the Department of Transportation to change a speed limit is denied, the department shall inform the municipality in writing of the reasons for that denial and shall offer to meet with the municipal officials in that municipality to review those reasons. The municipality may request the department to hold a public hearing within the municipality to provide the department with the views of the public on the requested speed limit change. The department shall:

A. Hold the hearing within 30 days of the request; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Inform the municipality of a final decision on the requested speed limit change within 30 days after the hearing. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1999, c. 160, §1 (AMD) .]

**3. Prohibition.** A person may not operate a vehicle in excess of maximum speeds fixed pursuant to this section, as long as notice of changes in speed limits has been given by signs erected by the Department of Transportation.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Other ways.** The Department of Transportation is not required to erect speed signs on a town way, unimproved state aid highway or on a way constructed to interstate standards.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

Notwithstanding the provisions of Private and Special Law 1865, chapter 532, section 8-A, speed limits within the limits of the property owned by or under the control of the University of Maine System must be established by the Department of Transportation and the Maine State Police as provided in this section. The speed limits must be posted by the University of Maine System in accordance with written directions or policies of the Department of Transportation. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 160, §1 (AMD). 2011, c. 415, §2 (AMD). 2013, c. 107, §1 (AMD).

## §2074. RATES OF SPEED

An operator shall operate a vehicle at a careful and prudent speed not greater than is reasonable and proper having due regard to the traffic, surface and width of the way and of other conditions then existing. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Rates of speed.** Except when conditions or other regulations require a lower speed, the following are maximum rates of speed:

A. Fifteen miles per hour when traveling in a school zone:

- (1) During recess;
- (2) When children are going to or leaving school during school opening or closing hours. For purposes of this paragraph, school opening and closing hours are 1/2 hour before and 1/2 hour after the beginning of the school day and 1/2 hour before and 1/2 hour after the end of the school day;
- (3) When school speed limit signs are flashing during school opening or closing hours; or
- (4) At other times designated by a municipal traffic ordinance that regulates town ways that are classified as local by the Department of Transportation in accordance with the federal functional classification system. [2001, c. 145, §3 (RPR).]

B. Fifteen miles per hour when approaching within 50 feet and in traversing an intersection when the operator's view is obstructed except when preference is given to through movement of traffic in one direction by "stop" signs or other traffic control devices or by direction of a law enforcement officer. An operator's view is considered obstructed when at any time during the last 50 feet of an approach to an intersection there is not a clear and uninterrupted view of the intersection and of the traffic on all ways entering the intersection for a distance of 200 feet from it; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Twenty-five miles per hour in a business or residential district or built-up portion unless otherwise posted; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Forty-five miles per hour on all other public ways unless otherwise posted; and [2005, c. 577, §30 (AMD).]

E. On ways with a higher maximum speed limit, 45 miles per hour for a school bus transporting pupils to and from school. At all other times, a school bus may not exceed 55 miles per hour, except that on an interstate highway, as defined in Title 23, section 1903, subsection 3, and on the turnpike, as defined in Title 23, section 1964, subsection 9, a school bus may not exceed the posted speed limit. [2009, c. 9, §1 (AMD).]

F. [2005, c. 577, §31 (RP).]

[ 2009, c. 9, §1 (AMD) .]

**1-A. Emergency zone.** A person shall operate a vehicle at a careful and prudent speed not greater than is reasonable and proper when approaching or passing through an emergency zone, having due regard for the safety of any individual present in the emergency zone and the physical characteristics of the emergency zone.

For purposes of this subsection, "emergency zone" means any portion of a way where at least one stationary ambulance or emergency medical service, fire department, hazardous material response or police vehicle is located with emergency lights in use for the purpose of rendering medical assistance or responding to an event when the situation presents a risk of harm to a person using the way or an area immediately adjacent to the way. An emergency zone may be identified by any method reasonably visible to an approaching operator, including, but not limited to, vehicle emergency lights, signs, traffic cones, flaggers or mobile lighting.

A person who violates this subsection commits a traffic infraction punishable by a fine of not less than \$250.

[ 2009, c. 554, §1 (NEW) .]

**2. Compact areas.** The compact or built-up portion of a municipality is the territory contiguous to a way that is built up with structures situated less than 150 feet apart for a distance of at least 1/4 of a mile. Municipal officers may designate a compact or built-up portion by appropriate signs.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Criminal offense.** A person commits a Class E crime if that person operates a motor vehicle at a speed that exceeds the maximum rate of speed by 30 miles per hour or more.

The complaint for a violation of a speed limit must specify the speed at which the defendant is alleged to have operated a motor vehicle.

[ 1995, c. 584, Pt. B, §8 (AMD) .]

**3-A. Minimum fine.** A person who operates a motor vehicle on the Maine Turnpike or the Interstate Highway System at a speed that exceeds the posted speed by less than 30 miles per hour commits a traffic infraction punishable by a fine of not less than \$50.

[ 2013, c. 107, §2 (AMD) .]

**3-B. Fine doubled.** The penalty for a violation of subsection 1, paragraph A is twice the amount of the fine designated in accordance with Title 4, section 164, subsection 12 for a speeding violation under section 2073 involving a similar excessive rate of speed.

[ 1999, c. 308, §1 (NEW) .]

**4. Exception.** This section does not apply to the operation of a vehicle:

A. In racing events and exhibitions at which the public does not have access to the operating area; or

[1995, c. 65, Pt. A, §106 (NEW); 1995, c. 65, Pt. A, §153 (AFF);

1995, c. 65, Pt. C, §15 (AFF).]

B. On private land to which the public does not have access when used by or with authorization of the landowner. [1995, c. 65, Pt. A, §106 (NEW); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF).]

[ 1995, c. 65, Pt. A, §106 (NEW); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A106 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 584, §§B8,9 (AMD). 1999, c. 308, §1 (AMD). 2001, c. 145, §3 (AMD). 2005, c. 577, §§30,31 (AMD). 2009, c. 9, §1 (AMD). 2009, c. 554, §1 (AMD). 2011, c. 415, §3 (AMD). 2013, c. 107, §2 (AMD).

## §2075. OTHER SPEED REGULATIONS

**1. Operation impeding movement of traffic.** A person may not operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation of the motor vehicle or in compliance with law.

[ 2003, c. 452, Pt. Q, §47 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

**1-A. Minimum speed limit.** When the Department of Transportation determines, on the basis of an engineering and traffic investigation, that slow speeds on a public way consistently impede the normal and reasonable movement of traffic, the Commissioner of Transportation, with the approval of the Chief of the Maine State Police, may establish a minimum speed limit.

A person may not operate a vehicle below a posted minimum speed limit, except when necessary for safe operation.

[ 2003, c. 452, Pt. Q, §48 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Public ways under construction.** The Commissioner of Transportation may restrict the speed limit on a public way under construction or during maintenance and the Executive Director of the Maine Turnpike Authority may restrict the speed limit on any portion of the turnpike under construction or during maintenance when a lower rate of speed would minimize the danger of accident. A person may not operate a motor vehicle in excess of these speeds, as long as notice of the maximum speed has been given by standard black and white speed limit signs on the way. Signs erected pursuant to this subsection must be covered or removed during hours when the speed limit is not restricted.

The penalty for a violation of this subsection is a fine equal to twice the amount of the fine designated in accordance with Title 4, section 164, subsection 12 for a similar speeding violation under section 2073.

[ 1995, c. 151, §1 (AMD) .]

**3. Municipal authority.** Except as provided in this subsection, a municipality may not alter a speed limit or enact or enforce a regulation contrary to this Title. A municipality may:

A. Regulate traffic by means of signal devices or other appropriate methods on a way on which traffic is heavy or continuous; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Limit traffic to one-way traffic on a way, subject to Title 23, section 1351; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Regulate speed of vehicles in public parks by erecting at all entrances to the park adequate signs giving notice of the special speed regulations; [2001, c. 313, §1 (AMD).]

D. With the approval of the Department of Transportation and the Chief of the State Police, increase or decrease the speed limit on through ways by erecting standard signs giving notice of the speed limit in accordance with the latest edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration; [ 2003, c. 92, §2 (AMD). ]

E. Subject to the provisions of this paragraph, if it is a qualifying municipality, set speed limits on qualifying roads. As used in this paragraph, "qualifying municipality" means a municipality that has a population of 2,500 or more as measured by the latest decennial United States census or that employs a professional engineer licensed in this State. As used in this paragraph, "qualifying road" means a town way that is classified as local by the Department of Transportation in accordance with the federal functional classification system.

If a qualifying municipality decides to set speed limits in accordance with this paragraph, the municipality shall provide written notice of that determination to the Commissioner of Transportation and shall set speed limits for all qualifying roads in that municipality.

Unless otherwise approved as provided in paragraph D, speed limits set by a municipality must be in 5-mile-per-hour increments within the following ranges:

- (1) From 20 to 25 miles per hour, inclusive, regarding roads in a business or residential district or a compact area, except that the lower limit may be set at 15 miles per hour on roads on islands not accessible by road or dead end roads less than 1/4 mile in length; and
- (2) From 30 to 50 miles per hour, inclusive, regarding roads in all other areas.

Prior to establishing a speed limit, the municipality must perform a traffic investigation that reviews the factors identified in the applicable sections of the Manual on Uniform Traffic Control Devices. The municipal officers shall validate that speed limit in accordance with the procedure for establishing municipal traffic ordinances set forth in Title 30-A, section 3009, post standard speed limit signs in accordance with the Manual on Uniform Traffic Control Devices and provide written notice of that speed limit zone to the Commissioner of Transportation on forms approved by the Department of Transportation.

The Department of Transportation may require a municipality with a population of 5,000 or more as measured by the latest decennial United States census that has not provided written notice to the department that the municipality will set speed limits in accordance with this paragraph to provide the department with all data necessary to set such speed limits. The nature, extent and form of that data must be acceptable to the department and may include, without limitation, the reason for the request, length and location of the proposed speed zone, road width, number of driveways in that zone, traffic volume, posted speed, prevailing speed as measured by radar, accident history and speed enforcement efforts; and [ 2003, c. 92, §3 (AMD). ]

F. With the approval of the Department of Transportation and the Chief of the State Police, and in accordance with the latest edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration, designate a school zone to which the speed limits in section 2074, subsection 1, paragraph A apply. [ 2003, c. 92, §4 (NEW). ]

[ 2003, c. 92, §§2-4 (AMD). ]

**4. Speed measurement.** The results of a measurement of the following instruments must be accepted as prima facie evidence of the speed of a motor vehicle in a criminal or traffic infraction proceeding:

- A. Radar; [ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]
- B. An electronic device that measures speed by radiomicrowaves, laser or otherwise; or [ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]



C. A device that measures, in any sequence, a selected distance traversed by a motor vehicle operated by the law enforcement officer and the time required by another motor vehicle to traverse that same distance, and computes therefrom the average speed of the other vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Signs.** The presence of signs is prima facie evidence that those signs were erected, that they provide the notice required and that the speeds indicated were fixed in accordance with this chapter.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 151, §1 (AMD). 2001, c. 313, §1 (AMD). 2003, c. 92, §§2-4 (AMD). 2003, c. 452, §§Q47,48 (AMD). 2003, c. 452, §X2 (AFF).

## §2076. RAILROAD OR GRADE CROSSINGS

**1. Reduction of speed at crossing.** An operator of a motor vehicle passing a sign provided for in Title 23, sections 1251 and 1252 shall, at a distance of 100 feet from the nearest rail of the crossing reduce the vehicle speed to a reasonable and proper rate, observe in each direction and proceed cautiously over the crossing.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Warning devices.** An operator of a motor vehicle approaching a railroad crossing shall do so in a manner so that the operator will be able to stop if necessary. The operator shall stop the vehicle not less than 15 feet and not more than 50 feet from the nearest rail of the railroad track and may not proceed if:

A. A clearly visible electric or mechanical signal device warns of the approach of a train; [2015, c. 89, §1 (NEW).]

B. A crossing gate is lowered or a flagger gives or continues to give a signal or warning of the approach or passage of a train; [2015, c. 89, §1 (NEW).]

C. A train is visible and is in hazardous proximity to the crossing; or [2015, c. 89, §1 (NEW).]

D. A sign, device or law requires the vehicle to stop. [2015, c. 89, §1 (NEW).]

A vehicle may proceed across the track when the gates have been raised, the flagger indicates that no train is approaching or, if there is an electric or mechanical signal device, the operator has ascertained that no train is approaching. An operator proceeding by an electric or mechanical signal device shall use extra caution.

[ 2015, c. 89, §1 (AMD) .]

**3. Required stops.** A person operating any of the following vehicles shall stop the vehicle at a grade crossing between 50 feet and 15 feet from the nearest rail, listen, look in each direction along the tracks for an approaching train and ascertain that no train is approaching:

A. A bus transporting passengers; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A motor vehicle transporting any quantity of chlorine; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A motor vehicle that, in accordance with 49 Code of Federal Regulations, Part 172, Subpart F, is required to be marked or placarded; [1995, c. 247, §5 (AMD).]

D. A cargo tank vehicle, whether loaded or empty, used to transport:

- (1) A hazardous material as defined in 49 Code of Federal Regulations, Parts 170 to 189; or
- (2) A commodity under special permit in accordance with the provisions of the Code of Federal Regulations; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. A cargo tank vehicle transporting a commodity that at the time of loading has a temperature above its flash point as determined by 49 Code of Federal Regulations, Part 173.115. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2003, c. 452, Pt. Q, §49 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**3-A. Yield at grade crossing.** The operator of any of the vehicles listed in subsection 3 shall yield at a grade crossing to an approaching train.

[ 2003, c. 452, Pt. Q, §50 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**4. Exceptions.** An operator is not required to stop under this section:

A. At a streetcar crossing or railroad tracks used exclusively for industrial switching purposes, within a business district; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. When a law enforcement officer or crossing flagger directs traffic to proceed; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. At an abandoned crossing that is marked with a sign indicating that the rail line is abandoned; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. At an industrial or spur line railroad grade crossing marked with a sign reading "exempt." An "exempt" sign must be erected by or with the consent of the Department of Transportation. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Penalty.** The following penalties apply to violations of this section.

A. An operator failing to comply with the requirements of subsection 1 or 2 commits a traffic infraction. [2003, c. 452, Pt. Q, §51 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. An operator who fails to comply with subsection 3 commits a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [2003, c. 452, Pt. Q, §51 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. An operator commits a Class D crime if that operator is required to stop under subsection 3 and fails to stop for or yield the right-of-way to a train, engine or conveyance on the track. This crime is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [2003, c. 452, Pt. Q, §51 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. Q, §51 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

**6. Abandoned or exempt crossings.** The department may exempt a crossing after providing written notice within 30 days to the railroad and municipality in which the crossing is located or, after hearing, if requested within 30 days either by the railroad, municipality or 10 or more residents of the State. For each exempt crossing, the department may order and impose safety provisions as it determines expedient or necessary. For any exempt crossing that does not have automatic warning devices, the engineer shall stop the train prior to entering the crossing, and a member of the train crew shall stop all motor vehicle traffic prior to flagging the train through the crossing. For an exempt crossing with automatic warning devices, the engineer

shall stop the train prior to entering the crossing and determine that all motor vehicle traffic has come to a stop prior to proceeding. Any exempt crossing must be posted with appropriate signs, which must be erected and maintained by the department.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 247, §5 (AMD). 1999, c. 771, §C14 (AMD). 1999, c. 771, §§D1,2 (AFF). 2003, c. 452, §§Q49-51 (AMD). 2003, c. 452, §X2 (AFF). 2015, c. 89, §1 (AMD).

### §2077. WORKING ON WAYS

Sections 2051, 2053, 2055, 2056, 2066, 2068 and 2076 do not apply to a person, motor vehicle and other equipment actually engaged in work on the surface of a public way, but do apply to such a person and vehicle when traveling to or from such work. [2013, c. 112, §8 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2013, c. 112, §8 (AMD) .

### §2078. EMERGENCY RULE

For public safety or convenience, during a fire, accident, emergency or special event, a law enforcement officer may temporarily close a way to vehicular traffic or to vehicles of a certain description, or divert pedestrian or vehicular traffic. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

An operator or pedestrian commits a Class E crime if that operator or pedestrian refuses to follow the directions for the movement of vehicles or pedestrians on request or signal of a law enforcement officer or if the operator or pedestrian knowingly refuses to follow the direction of a sign clearly posted by a law enforcement officer to temporarily close a way to vehicular traffic or to vehicles of a certain description or to divert pedestrian or vehicular traffic during a fire, accident, emergency or special event. For the purposes of this section, a posted sign must include language sufficiently describing the restriction or prohibition and must include the fact that a violation is a Class E crime. [2009, c. 251, §11 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 183, §11 (AMD). 2009, c. 251, §11 (AMD).

### §2079. UNNECESSARY NOISE

Braking or acceleration may not be unnecessarily made so as to cause a harsh and objectionable noise. [2013, c. 588, Pt. A, §38 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2013, c. 588, Pt. A, §38 (AMD) .

## §2079-A. EXCESSIVE SOUND SYSTEM NOISE

**1. Prohibition.** A person may not operate a sound system in a vehicle on a public way at a volume that is audible at a distance of greater than 25 feet and that exceeds 85 decibels or that is greater than is reasonable with due regard to the location of the vehicle and the effect on persons in proximity to the vehicle. It is a prima facie violation of this section if the vehicle is located near buildings and the buildings or windows in the buildings are shaken or rattled by the sound of the sound system.

[ 2001, c. 73, §1 (NEW) .]

**2. Penalty.** Violation of subsection 1 is a traffic infraction for which the following forfeitures must be assessed:

A. For a first offense, \$50; [ 2001, c. 73, §1 (NEW) .]

B. For a 2nd offense, \$100; and [ 2001, c. 73, §1 (NEW) .]

C. For a 3rd or subsequent offense, \$150. [ 2001, c. 73, §1 (NEW) .]

[ 2001, c. 73, §1 (NEW) .]

### SECTION HISTORY

2001, c. 73, §1 (NEW).

## §2080. OPERATION OF ALL-TERRAIN AND OFF-ROAD VEHICLES

Notwithstanding any other provision of law, whenever an all-terrain vehicle or off-road vehicle is operated on a way, the vehicle and operator are subject to all provisions of this Title, except chapters 5, 7, 13 and 15. Whenever an all-terrain vehicle or off-road vehicle is operated on a way, the operator is not subject to the provisions of chapter 11, except when an all-terrain vehicle is permitted in accordance with section 501, subsection 8. [ 2005, c. 577, §32 (AMD) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 584, §B10 (AMD). 2005, c. 577, §32 (AMD).

## §2081. USE OF SAFETY SEAT BELTS

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Child safety seat" means a child safety seat that meets the standards described in the Federal Motor Vehicle Safety Standards. [ 2001, c. 585, §1 (NEW); 2001, c. 585, §6 (AFF) .]

B. "Federal Motor Vehicle Safety Standards" means the standards described in 49 Code of Federal Regulations, Part 571, in effect on January 1, 1981, as subsequently amended. [ 2001, c. 585, §1 (NEW); 2001, c. 585, §6 (AFF) .]

C. "Federally approved child restraint system" means a child safety restraint that is intended to be used as crash protection in vehicles and that meets the requirements of the Federal Motor Vehicle Safety Standard 213. [ 2003, c. 380, §1 (AMD); 2003, c. 380, §5 (AFF) .]

[ 2003, c. 380, §1 (AMD); 2003, c. 380, §5 (AFF) .]

**2. Children under 40 pounds.** When a child who weighs less than 40 pounds is being transported in a motor vehicle that is required by the United States Department of Transportation to be equipped with safety seat belts, the operator must have the child properly secured in accordance with the manufacturer's

instructions in a child safety seat. Violation of this subsection is a traffic infraction for which a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court.

[ 2005, c. 12, Pt. AAA, §1 (AMD) . ]

**3. Passengers less than 18 years of age.** Except as provided in subsection 2, the following provisions apply to passengers less than 18 years of age riding in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts. Violation of this subsection is a traffic infraction for which a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court.

A. The operator shall ensure that a child who weighs at least 40 pounds but less than 80 pounds and who is less than 8 years of age is properly secured in a federally approved child restraint system. Nonprofit, municipal or contracted transportation service providers are exempt from this paragraph until February 1, 2005, except that the operator shall ensure that the child is properly secured in a seat belt. [ 2003, c. 380, §2 (AMD); 2003, c. 380, §5 (AFF) . ]

B. The operator shall ensure that a child who is less than 18 years of age and at least 8 years of age or who is less than 18 years of age and more than 4 feet, 9 inches in height is properly secured in a seat belt. [ 2007, c. 295, §2 (AMD) . ]

C. The operator shall ensure that a child who is less than 12 years of age and who weighs less than 100 pounds is properly secured in the rear seat of a vehicle, if possible. [ 2001, c. 585, §3 (NEW); 2001, c. 585, §6 (AFF) . ]

[ 2007, c. 295, §2 (AMD) . ]

**3-A. Other passengers 18 years of age and older; operators.** When a person 18 years of age or older is a passenger in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the passenger must be properly secured in a seat belt. Each such passenger is responsible for wearing a seat belt as required by this subsection, and a passenger that fails to wear a seat belt as required by this subsection is subject to the enforcement provisions of subsection 4. The operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts must be secured in the operator's seat belt. Violation of this subsection is a traffic infraction for which a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court. A vehicle, the contents of a vehicle, the driver of or a passenger in a vehicle may not be inspected or searched solely because of a violation of this subsection.

[ 2007, c. 60, §1 (AMD) . ]

**4. Enforcement.** The following provisions apply to subsections 2, 3 and 3-A.

A. Unless the vehicle is operated by a person under 21 years of age, the requirements do not apply to a passenger over one year of age when the number of passengers exceeds the vehicle seating capacity and all of the seat belts are in use. [ 1997, c. 737, §7 (AMD) . ]

A-1. The requirements of subsection 3-A do not apply to a driver or passenger who has a medical condition that, in the opinion of a physician, warrants an exemption from the requirements of subsection 3-A and that medical condition and opinion are documented by a certificate from that physician. That certificate is valid for the period designated by the physician, which may not exceed one year. The Secretary of State may issue a removable windshield placard that is visible to law enforcement officers to a person with a certificate from a physician. A removable windshield placard is a 2-sided permit designed to hang from the rearview mirror when the vehicle is in motion without obstructing the view of the operator. The placard must be displayed by hanging it from the rearview mirror so that it may be viewed from the front and rear of the vehicle when the vehicle is in motion. If the vehicle is not equipped

with a rearview mirror, the placard must be displayed on the dashboard. The placard must be identifiable as a seat belt placard as designed by the Secretary of State. A placard issued to a person under this paragraph expires when the physician's certificate expires. [2009, c. 436, §1 (AMD).]

B. [2005, c. 12, Pt. AAA, §4 (RP).]

C. [2005, c. 12, Pt. AAA, §5 (RP).]

D. [2005, c. 12, Pt. AAA, §6 (RP).]

E. [2007, c. 60, §2 (RP).]

[ 2009, c. 436, §1 (AMD) .]

**5. Evidence.** In an accident involving a motor vehicle, the nonuse of seat belts by the operator or passengers or the failure to secure a child is not admissible in evidence in a civil or criminal trial, except in a trial for violation of this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Exceptions.** Notwithstanding subsection 3-A:

A. A rural mail carrier of the United States Postal Service is not required to be secured in a seat belt while engaged in the delivery of mail; [2009, c. 34, §1 (AMD).]

B. The operator of a taxicab or a limousine is not responsible for securing in a seat belt a passenger transported for a fee; and [2009, c. 34, §1 (AMD).]

C. A newspaper delivery person is not required to be secured in a seat belt while engaged in the actual delivery of newspapers from a vehicle or performing newspaper delivery duties that require frequent entry into and exit from a vehicle. [2009, c. 34, §1 (NEW).]

[ 2009, c. 34, §1 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A107 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 432, §§1-3 (AMD). 1995, c. 432, §4 (AFF). 1995, c. 597, §§1-4 (AMD). 1997, c. 450, §§1-4 (AMD). 1997, c. 737, §7 (AMD). 2001, c. 585, §§1-5 (AMD). 2001, c. 585, §6 (AFF). 2001, c. 710, §15 (AMD). 2001, c. 710, §16 (AFF). 2003, c. 380, §§1-4 (AMD). 2003, c. 380, §5 (AFF). 2005, c. 12, §§AAA1-6 (AMD). 2007, c. 60, §§1, 2 (AMD). 2007, c. 295, §2 (AMD). 2009, c. 34, §1 (AMD). 2009, c. 436, §1 (AMD).

## §2082. WINDOWS

**1. Obstructions.** A person may not operate a vehicle with a sign, poster, opaque or semitransparent material or substance on the front windshield, side wing or side or rear window that obstructs the operator's clear view of the way or an intersecting way.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Objects.** A person may not operate a motor vehicle with an object placed or hung in or on the vehicle, other than the required or provided equipment of the vehicle, in a manner that obstructs or interferes with the view of the operator through the windshield or prevents the operator from having a clear and full view of the road and conditions of traffic.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Parking or identification stickers.** A motor vehicle may display no more than one sticker on its windshield for parking or entry identification.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Location of inspection stickers.** No portion of a sticker other than an inspection sticker may be more than 4 inches from the bottom edge of the windshield. If the inspection sticker is located in the lower left hand corner of the windshield, the other sticker must be located to the right of it.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Exception.** A motor vehicle of the Maine Emergency Management Agency or used to perform public services of an emergency nature may be identified by a windshield sticker bearing the name or service emblem of the agency authorized to act.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Interference with operation.** A person may not operate a vehicle when the vehicle is loaded, or there are more than 3 persons in the front seat and the load or persons obstruct the view of the operator to the front or sides or interfere with the operator's control over the driving mechanism of the vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Placement of stickers on illegally parked vehicles.** A person may not place a sticker or other device on the windshield of a motor vehicle parked in a manner that allegedly constitutes trespass by motor vehicle, as defined in Title 17-A, section 404, if the sticker or other device would obstruct the driver's forward view. A person who places a sticker in violation of this subsection commits a traffic infraction for which a forfeiture not to exceed \$50 may be adjudged. This subsection does not apply to law enforcement officers engaged in the performance of official duties.

[ 2013, c. 482, §4 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A108 (AMD). 1995, c. 65, §§A153,C15 (AFF). 2013, c. 482, §4 (AMD).

## §2083. PROTECTIVE HEADGEAR

**1. Requirement.** The following persons must wear protective headgear:

A. If under 18 years of age, a passenger on a motorcycle or in an attached side car; [2009, c. 50, §1 (AMD) .]

B. If under 18 years of age, an operator of a motorcycle; [2009, c. 50, §2 (AMD) .]

C. An operator of a motorcycle, operating under a learner's permit or within one year of successfully completing a driving test; and [2005, c. 577, §33 (AMD) .]

D. A passenger of an operator required to wear headgear. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

[ 2009, c. 50, §§1, 2 (AMD) .]

**2. Compliance.** An operator of a motorcycle or a parent or guardian may not allow a passenger under the age of 18 years to ride in violation of this section.

[ 2009, c. 652, Pt. C, §5 (RPR) .]

**3. Standard.** Protective headgear must conform with minimum standards of construction and performance as prescribed by the American National Standards Institute specifications Z 90.1 or by the Federal Motor Vehicle Safety Standard No. 218.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Public program.** In furtherance of reasonable protective public policy, the Department of Public Safety, Bureau of Highway Safety must develop and implement a public information and education program designed to encourage helmet utilization by all motorcycle and moped riders.

[ 2005, c. 577, §33 (AMD) .]

**5. Violation.** Violation of this section is a traffic infraction.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2005, c. 577, §33 (AMD). 2009, c. 50, §§1-3 (AMD). 2009, c. 55, §4 (AMD). 2009, c. 652, Pt. C, §5 (AMD).

## §2084. BICYCLES AND SCOOTERS

**1. Night equipment.** A bicycle, scooter or motorized bicycle or tricycle, when in use in the nighttime, must have:

- A. Lighted a front light that emits a white light visible from a distance of at least 200 feet to the front; [2003, c. 510, Pt. A, §25 (RPR) .]
- B. A red or amber light or reflector to the rear that is visible at least 200 feet to the rear; and [2003, c. 510, Pt. A, §25 (RPR) .]
- C. Reflector material on the pedals, unless the bicyclist is wearing reflective material on the feet or ankles. [2003, c. 510, Pt. A, §25 (RPR) .]

A bicyclist may also use optional supplementary reflectors, lights or reflective or lighted safety equipment.

[ 2003, c. 510, Pt. A, §25 (RPR) .]

**2. Brakes.** A bicycle, scooter or motorized bicycle or tricycle must be equipped with a brake sufficient to enable the operator to stop the vehicle or device within a reasonable distance.

[ 2001, c. 360, §12 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2001, c. 148, §5 (AMD). 2001, c. 360, §12 (AMD). 2001, c. 440, §L1 (AMD). 2003, c. 510, §A25 (AMD).

## §2085. DESIGNATED NO-PASSING ZONES IN RESIDENTIAL AREAS

A municipality may request the department to designate a segment of a state or state aid highway in that municipality as a no-passing zone if the highway is outside the compact area of an urban compact municipality, as defined in Title 23, section 754. Such a request must be in writing to the commissioner and may be made only with the approval of the municipality's legislative body. A request is limited to segments of 2-lane ways in primarily residential areas and must be accompanied by a map showing the location of the proposed no-passing zone or zones and a written explanation of the need for such a zone in each location. The



commissioner shall approve such a request unless the commissioner determines that granting such a request will unreasonably restrict the efficient flow of traffic or result in a threat to public safety in that location. The commissioner shall notify the municipality in writing of the commissioner's decision within 30 days of receiving the written request from the municipality. If a request is denied, the notification must state the specific reasons for the denial. A municipality whose request is denied may request the department to hold a public hearing within that municipality for the purpose of receiving public input on the requested change. The department shall hold the hearing within 30 days after a request is made and must inform the municipality of its final decision within 30 days after the hearing is held. [1999, c. 753, §5 (AMD).]

As soon as practicable after approving a municipal request, the department shall ensure that double, solid, yellow center lines are painted along the entire length of the no-passing zone. [2007, c. 400, §10 (AMD).]

A no-passing zone is not enforceable until the painting required by this section is completed. A motor vehicle operator who passes another motor vehicle traveling in the same direction in a no-passing zone commits a traffic infraction. [2007, c. 400, §10 (AMD).]

#### *§2085. Riding in trunk prohibited*

*(As enacted by PL 1999, c. 183, §12 is REALLOCATED TO TITLE 29-A, SECTION 2086)*

#### *§2085. Transporting dogs in open vehicle regulated*

*(As enacted by PL 1999, c. 254, §26 is REALLOCATED TO TITLE 29-A, SECTION 2087)*

#### *§2085. Passengers restricted to passenger compartment of pickup truck*

*(As enacted by PL 1999, c. 311, §1 is REALLOCATED TO TITLE 29-A, SECTION 2088)*

#### SECTION HISTORY

RR 1999, c. 1, §§39-41 (RAL). 1999, c. 171, §1 (NEW). 1999, c. 183, §12 (NEW). 1999, c. 254, §26 (NEW). 1999, c. 311, §1 (NEW). 1999, c. 753, §5 (AMD). 2007, c. 400, §10 (AMD).

### **§2086. RIDING IN TRUNK PROHIBITED**

*(REALLOCATED FROM TITLE 29-A, SECTION 2085)*

A person may not ride in or occupy the trunk of a vehicle while the vehicle is in motion on a public way. [1999, c. 1, §39 (RAL).]

#### SECTION HISTORY

RR 1999, c. 1, §39 (RAL).

### **§2087. TRANSPORTING DOGS IN OPEN VEHICLE REGULATED**

*(REALLOCATED FROM TITLE 29-A, SECTION 2085)*

Transporting dogs in an open vehicle is governed by this section. [1999, c. 1, §40 (RAL).]

**1. Definition.** For the purposes of this section, "open vehicle" means a motor vehicle with a portion of the vehicle not enclosed by a top and windows or sides. "Open vehicle" includes, but is not limited to, pickup trucks and convertibles.

[ 1999, c. 1, §40 (RAL) .]

**2. Restrictions.** A person driving an open vehicle may not transport a dog in the open portion of that vehicle on a public way unless the dog is protected in a manner that prevents the dog from falling or jumping or being thrown from the vehicle.

[ 1999, c. 1, §40 (RAL) .]

**3. Exceptions.** Notwithstanding subsection 2, this section does not apply to:

A. A dog being transported by a farmer or a farm employee who is engaged in agricultural activities requiring the services of a dog; or [1999, c. 1, §40 (RAL).]

B. A hunting dog at a hunting site or being transported between hunting sites by a licensed hunter who is in possession of all applicable licenses and permits for the species being pursued during the legal season for that activity. [1999, c. 1, §40 (RAL).]

[ 1999, c. 1, §40 (RAL) .]

#### SECTION HISTORY

RR 1999, c. 1, §40 (RAL).

## §2088. PASSENGERS RESTRICTED TO PASSENGER COMPARTMENT OF PICKUP TRUCK

*(REALLOCATED FROM TITLE 29-A, SECTION 2085)*

**1. Passengers under 19 years of age.** When a passenger under 19 years of age is transported in a pickup truck, that passenger must ride in the passenger compartment of the pickup truck.

[ 1999, c. 1, §41 (RAL) .]

**2. Exceptions.** Subsection 1 does not apply to the following:

A. Workers or trainees, including agricultural workers or trainees, engaged in the necessary discharge of their duties or training or being transported between work or training locations; [1999, c. 1, §41 (RAL) .]

B. Licensed hunters being transported to or from a hunting location, as long as those persons are in compliance with all laws pertaining to possession and transportation of firearms in a motor vehicle; [1999, c. 1, §41 (RAL).]

C. Participants in parades; [2001, c. 360, §13 (AMD).]

D. A passenger secured by a seat belt in a manufacturer-installed seat located outside the passenger compartment; or [2001, c. 360, §13 (AMD).]

E. Campers and hikers being transported in Baxter State Park. [2001, c. 360, §14 (NEW).]

[ 2001, c. 360, §§13, 14 (AMD) .]

#### SECTION HISTORY

RR 1999, c. 1, §41 (RAL). 2001, c. 360, §§13,14 (AMD).

## §2089. OPERATION OF LOW-SPEED VEHICLES

A person operating a low-speed vehicle on a public way shall comply with the provisions of this chapter as they apply to the operator of an automobile and with this section. [2003, c. 397, §10 (NEW).]

**1. License required.** A person operating a low-speed vehicle must possess a valid Class A, Class B or Class C driver's license pursuant to section 1252.

[ 2003, c. 397, §10 (NEW) .]

**2. Road restrictions.** A low-speed vehicle may be operated only on a road or street where the posted speed limit is 35 miles per hour or less. A low-speed vehicle may cross, at an intersection, a road or street with a posted speed limit of more than 35 miles per hour. The department may prohibit the operation of

a low-speed vehicle on any highway or segment of highway under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety. A municipality may prohibit the operation of a low-speed vehicle on any road under its jurisdiction if it determines that the prohibition is necessary in the interest of public safety.

[ 2003, c. 397, §10 (NEW) .]

**3. Violation.** A person who operates a low-speed vehicle in violation of subsection 2 commits a traffic infraction.

[ 2003, c. 397, §10 (NEW) .]

**4. Rulemaking.** The Secretary of State, in consultation with the Commissioner of Transportation and the Commissioner of Public Safety, may adopt rules in accordance with Title 5, chapter 375 to implement this section, monitor the registration and use of low-speed vehicles and provide for the safe operation of low-speed vehicles.

*§2089. Antique vehicles*

*(As enacted by PL 2003, c. 128, §1 is REALLOCATED TO TITLE 29-A, SECTION 2090)*

[ 2003, c. 397, §10 (NEW) .]

#### SECTION HISTORY

RR 2003, c. 1, §30 (RAL). 2003, c. 128, §1 (NEW). 2003, c. 397, §10 (NEW).

## §2089-A. OPERATION OF AUTOCYCLES

*(REPEALED)*

#### SECTION HISTORY

2009, c. 55, §5 (NEW). 2011, c. 356, §21 (AMD). MRSA T. 29-A, §2089-A, sub-§5 (RP).

## §2090. ANTIQUE VEHICLES

*(REALLOCATED FROM TITLE 29-A, SECTION 2089)*

A vehicle registered as an antique vehicle pursuant to section 457 may pull a trailer or semitrailer as long as the vehicle is used for noncommercial recreational purposes or for exhibitions, club activities, parades or other functions of public interest. [2003, c. 1, §30 (RAL).]

#### SECTION HISTORY

RR 2003, c. 1, §20 (RAL).

## §2091. CONTROL OF VEHICULAR TRAFFIC AT EMERGENCY SCENES

**1. Definition.** For the purposes of this section, "public safety traffic flagger" means a municipal firefighter, a volunteer firefighter or a member of an emergency medical service licensed by the Department of Public Safety, Maine Emergency Medical Services who is trained in accordance with subsection 2 and authorized by the chief official of the fire department or emergency medical service to control vehicular traffic.

[ 2005, c. 167, §1 (NEW) .]

**2. Training.** All public safety traffic flaggers must receive training approved by the Department of Labor, Bureau of Labor Standards in controlling traffic on public ways. Training may consist of video instruction, instruction in a classroom setting, distribution of informational handbooks or other educational materials or other training activities.

[ 2005, c. 167, §1 (NEW) .]

**3. Authority.** Notwithstanding any other provision of this Title, a public safety traffic flagger shall wear a reflective traffic vest or protective clothing as defined by Title 26, section 2103, subsection 3 and has the authority to control vehicular traffic on a public way at or to reroute vehicular traffic around a public safety emergency, including a medical emergency, motor vehicle accident, fire, hazardous materials incident or other natural or man-made disaster or a training operation, unless otherwise directed by a law enforcement officer.

[ 2005, c. 167, §1 (NEW) .]

**4. Obeying public safety traffic flagger.** An operator of a motor vehicle on a public way shall obey a request or signal of a person who is reasonably identifiable as a public safety traffic flagger. A violation of this subsection is a traffic infraction.

[ 2005, c. 167, §1 (NEW) .]

**5. Registered owner's liability.** A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of subsection 4 commits a traffic infraction. For the purposes of this subsection, "registered owner" includes a person issued a dealer or transporter registration plate.

A. A public safety traffic flagger who observes a violation of subsection 4 may report the violation to a law enforcement officer. If a report is made, the public safety traffic flagger shall report the time and the location of the violation and the registration plate number and a description of the vehicle involved. The officer shall initiate an investigation of the reported violation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator of the registered owner's motor vehicle at the time of the incident. [ 2005, c. 167, §1 (NEW) .]

B. The investigating officer may cause the registered owner of the vehicle to be served with a summons for a violation of this subsection. [ 2005, c. 167, §1 (NEW) .]

C. Except as provided in paragraph D, it is not a defense to a violation of this subsection that a registered owner was not operating the vehicle at the time of the violation. [ 2005, c. 167, §1 (NEW) .]

D. The following are defenses to a violation of this subsection.

(1) If a person other than the registered owner is operating the vehicle at the time of the violation of subsection 4 and is convicted of that violation, the registered owner may not be found in violation of this subsection.

(2) If the registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee and the lessor provides the investigating officer with a copy of the lease agreement containing the information required by section 254, the lessee, not the lessor, may be charged under this subsection.

(3) If the vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer or transporter and if the dealer or transporter provides the investigating officer with the name and address of the person who had control over the vehicle at the time of the violation, that person, not the dealer or transporter, may be charged under this subsection.

(4) If a report that the vehicle was stolen is provided to a law enforcement officer or agency before the violation occurs or within a reasonable time after the violation occurs and an investigation determines the vehicle was stolen, the registered owner may not be charged under this subsection. [2005, c. 167, §1 (NEW).]

[ 2005, c. 167, §1 (NEW) .]

#### SECTION HISTORY

2005, c. 167, §1 (NEW).

## §2092. OPERATION OF OFF-ROAD VEHICLES

**1. Operation prohibited.** Unless the specific type of off-road vehicle is authorized to be operated on a public way by this or any other Title, an off-road vehicle may not be operated on a public way or parking area.

[ 2005, c. 577, §34 (NEW) .]

**2. Violation.** A person who operates an off-road vehicle in violation of subsection 1 commits a traffic infraction.

[ 2005, c. 577, §34 (NEW) .]

#### SECTION HISTORY

2005, c. 577, §34 (NEW).

## Subchapter 2: VIOLATIONS

### §2101. PERMITTING UNLAWFUL USE

*(REPEALED)*

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 771, §C15 (AMD). 1999, c. 771, §§D1,2 (AFF). 2001, c. 471, §§A31,32 (AMD). 2001, c. 471, §A33 (AFF). 2003, c. 452, §X2 (AFF). 2003, c. 452, §Q52 (RP).

### §2101-A. PERMITTING UNLAWFUL USE

**1. Traffic infraction.** A person who knowingly authorizes or permits a vehicle owned by or under control of that person to be driven on a public way by a person not authorized under this Title or in violation of a provision of this Title commits a traffic infraction if the conduct of the driver is punishable as a traffic infraction.

[ 2003, c. 452, Pt. Q, §53 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Crime.** A person who knowingly authorizes or permits a vehicle owned by or under control of that person to be driven on a public way by a person not authorized under this Title or in violation of a provision of this Title commits a Class E crime if the conduct of the driver is punishable as a crime.

[ 2003, c. 452, Pt. Q, §53 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

2003, c. 452, §Q53 (NEW). 2003, c. 452, §X2 (AFF).

## §2102. UNLAWFUL USE OF LICENSE OR IDENTIFICATION CARD; UNLAWFUL DISSEMINATION OF PROTECTED INFORMATION

The following provisions govern the unlawful use of a license or identification card and the unlawful dissemination of information that is protected by a state law or rule that implements the federal Driver's Privacy Protection Act of 1994, 18 United States Code, Sections 2721 to 2725 (2006). [ 2009, c. 493, §2 (AMD) . ]

**1. Display revoked, mutilated, fictitious or fraudulently altered driver's license or identification card.** A person commits a Class E crime if that person displays a revoked, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province.

[ 2009, c. 493, §2 (AMD) . ]

**1-A. Possess revoked, mutilated, fictitious or fraudulently altered driver's license or identification card.** A person commits a Class E crime if that person possesses a revoked, mutilated, fictitious or fraudulently altered driver's license or identification card issued or represented to be issued by this State or any other state or province.

[ 2009, c. 493, §2 (AMD) . ]

**1-B. Display suspended driver's license; crime.** A person commits a Class E crime if that person displays a suspended driver's license issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a crime.

[ 2009, c. 493, §2 (NEW) . ]

**1-C. Display suspended driver's license; traffic infraction.** A person commits a traffic infraction if that person displays a suspended driver's license issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a traffic infraction.

[ 2009, c. 493, §2 (NEW) . ]

**1-D. Possess suspended driver's license; crime.** A person commits a Class E crime if that person possesses a suspended driver's license issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a crime.

[ 2009, c. 493, §2 (NEW) . ]

**1-E. Possess suspended driver's license; traffic infraction.** A person commits a traffic infraction if that person possesses a suspended driver's license issued by this State or any other state or province when the operation of the motor vehicle by that person is punishable as a traffic infraction.

[ 2009, c. 493, §2 (NEW) . ]

**2. Loan.** A person commits a Class E crime if that person knowingly permits another person to use that person's driver's license or identification card issued by this State or any other state or province.

[ 2009, c. 493, §2 (AMD) . ]

**3. Representation.** A person commits a Class E crime if that person displays or represents as that person's own a driver's license or identification card issued to another by this State or any other state or province.

[ 2009, c. 493, §2 (AMD) .]

**4. Use.** A person commits a Class E crime if that person knowingly permits an unlawful use of a driver's license or identification card issued by this State or any other state or province.

[ 2009, c. 493, §2 (AMD) .]

**5. Privacy laws or rules; violation.** A person commits a Class E crime if that person knowingly disseminates information that is protected by a state law or rule that implements the federal Driver's Privacy Protection Act of 1994.

[ 2009, c. 493, §2 (AMD) .]

Violation of subsection 1, 1-A, 1-B, 1-D or 3 is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [2009, c. 493, §2 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 437, §43 (AMD). 2003, c. 452, §§Q54-57 (AMD). 2003, c. 452, §X2 (AFF). 2009, c. 493, §2 (AMD).

## §2103. FRAUD OR FALSITY ON DOCUMENTS

**1. Material misstatement of fact.** A person commits a Class E crime if that person knowingly:

A. Makes a material misstatement of fact on an application or document submitted in support of an application for a license, certificate, permit, examination, identification card, use decal, placard or any other document requesting action from the Secretary of State; or [1997, c. 178, §2 (NEW) .]

B. Displays to a law enforcement officer or to the Secretary of State evidence of liability insurance or financial responsibility that is fictitious or fraudulently altered. [1997, c. 178, §2 (NEW) .]

[ 1997, c. 178, §2 (AMD) .]

**2. Deception.** A person commits a Class E crime if that person knowingly substitutes, or knowingly causes another to substitute, as that person's, another's registration certificate, number plate, driver's license or permit, identification card, fuel use or highway use permit or decal or a placard for an examination or application.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Suspension.** On receipt of an attested copy of a court record of conviction or other sufficient evidence of a violation of subsection 1 or 2, the Secretary of State shall immediately revoke every license, certificate, permit or decal issued to that person.

These documents must be surrendered to the Secretary of State on demand.

Fees paid for these documents may not be refunded.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Printing or reproduction of motor vehicle document.** A person commits a Class D crime if that person prints, prepares, reproduces, sells or transfers without the written consent of the Secretary of State a paper or document in the form of a certificate of registration, driver's license or any other certificate, permit, license or form used by the Secretary of State in administering this Title. Notwithstanding this subsection, a person may photocopy without the written consent of the Secretary of State:

- A. A certificate of registration solely for record-keeping purposes; [2003, c. 568, §1 (NEW).]
- B. A driver's license solely for proof of identification for the consummation of a financial transaction; [2003, c. 568, §1 (NEW).]
- C. A driver's license solely to verify that a commercial driver's license has been issued and only if the person making the photocopy is an employer; or [2003, c. 568, §1 (NEW).]
- D. A driver's license solely for motor vehicle loaner and demonstration purposes pursuant to sections 1002 and 1003. [2003, c. 568, §1 (NEW).]

Any photocopy or other electronic copy of a driver's license or certificate of registration permitted under this subsection must be kept in a secure, nonpublic location and, unless permitted pursuant to another applicable law, may not be published, reproduced, distributed or disclosed for any other purpose.

[2003, c. 568, §1 (AMD).]

**5. Aggravated misstatement of fact.** A person commits aggravated misstatement of fact if that person:

- A. Uses documents of another person without the other person's consent in committing a violation of subsection 1 or 2; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- B. Obtains a document, decal or placard in a fictitious name; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- C. Obtains a document, decal or placard in another person's name and, as a result of use of the material, the other person receives one or more summonses or is arrested, indicted or convicted of an offense not committed by the other person; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- D. Obtains a driver's license through violation of subsection 1 or 2 when the person's operating privileges have been revoked pursuant to chapter 23, subchapter V or have been suspended pursuant to this Title or an order of a court; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- E. Uses material obtained through violation of subsection 1 or 2 in the commission of a crime or a civil violation. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

Aggravated misstatement of fact is a Class D crime.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 178, §2 (AMD). 2003, c. 568, §1 (AMD).

## §2104. IMPROPER PLATES

**1. Attaching false plates.** A person commits a Class E crime if that person attaches to a vehicle a registration plate assigned to another vehicle or not currently assigned to that vehicle.

[2003, c. 452, Pt. Q, §58 (AMD); 2003, c. 452, Pt. X, §2 (AFF).]



**1-A. Permitting attachment of false plates.** A person commits a Class E crime if that person permits to be attached to a vehicle a registration plate assigned to another vehicle or not currently assigned to that vehicle.

[ 2003, c. 452, Pt. Q, §59 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**1-B. Permitting display of false registration validation device.** A person commits a Class E crime if that person permits to be attached or displayed on a vehicle registration plate a registration validation device issued for another vehicle.

[ 2015, c. 176, §5 (NEW) .]

**2. False identification.** A person commits a Class E crime if that person obscures identification numbers, identification letters, the state name, validation sticker or mark distinguishing the type of plate attached to a vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Manufacturing or reproduction of plates.** A person commits a Class D crime if that person manufactures or reproduces registration plates without the consent of the Secretary of State.

[ 1995, c. 65, Pt. A, §109 (NEW); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

**4. Alterations to registration plates.** Except when a greater penalty is applicable, a person commits a traffic infraction if that person adds or attaches to a registration plate a decal, symbol, slogan, mark, letter or number not authorized by law or by the Secretary of State.

[ 1995, c. 645, Pt. B, §6 (NEW); 1995, c. 645, Pt. B, §24 (AFF) .]

**5. Strict liability.** Violation of subsection 1, 2 or 3 is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[ 2003, c. 452, Pt. Q, §60 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A109 (AMD). 1995, c. 65, §§A153, C15 (AFF). 1995, c. 645, §B16 (AMD). 1995, c. 645, §B24 (AFF). 2003, c. 452, §§Q58-60 (AMD). 2003, c. 452, §X2 (AFF). 2015, c. 176, §5 (AMD).

## §2105. VEHICLE WITH NO IDENTIFICATION MARKS

A person commits a Class D crime if that person knowingly buys, sells, receives, disposes of, conceals or possesses a motor vehicle, semitrailer or trailer from which the manufacturer's serial number or other distinguishing number or mark has been removed or altered to conceal or misrepresent the identity of the vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2106. TAMPERING WITH ODOMETER

**1. Odometer.** A person is guilty of a Class C offense if that person:

A. Disconnects, changes or tampers with the odometer of a motor vehicle with the intent to misrepresent or change the number of miles indicated on the odometer; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. When the odometer reading differs from the number of miles a vehicle has been driven, knowingly offers for sale that motor vehicle without disclosing that the actual mileage is unknown or is known to be different than the odometer reading. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2005, c. 433, §18 (AMD); 2005, c. 433, §28 (AFF) .]

**2. Service and repair.** Nothing in this section prevents the repair or replacement of an odometer, as long as the odometer mileage remains the same after the service, repair or replacement. If the odometer is incapable of registering the same mileage after the repair or replacement, the odometer must be adjusted to read zero and a notice provided by the Secretary of State must be attached to the left doorframe of the vehicle by the owner or the owner's agent or by an authorized agent of the Secretary of State. The notice must specify the mileage prior to repair or replacement of the odometer and the date of repair or replacement.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Violation.** A person commits a Class D crime if that person fails to attach a notice as required under subsection 2 or removes or alters a notice.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Unfair trade practice.** A violation of this section constitutes an unfair trade practice under Title 5, chapter 10.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2005, c. 433, §18 (AMD). 2005, c. 433, §28 (AFF).

## §2107. TAMPERING WITH SIGNS

A person commits a Class E crime if that person removes or tampers with a sign, light, flare, reflector or other signalling or safety device placed by the Department of Transportation, a county or municipal official or a contractor performing repairs or maintenance work on or adjoining a public way. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2108. USE OF CLOSED WAY

A person commits a Class E crime if that person operates a vehicle over a public way that is lawfully closed by posted notice for construction or repairs unless permission to pass is expressly granted by a person in charge of the work. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2109. STOPPING OF TRAFFIC BY HAWKERS AND VENDORS

A person commits a traffic infraction if that person signals a moving vehicle, stops a vehicle or accosts an occupant of a vehicle stopped on a public way to solicit a contribution or subscription, or sell merchandise or a ticket of admission to an entertainment or public gathering. This section does not apply to an event or project conducted by a charitable nonprofit organization incorporated in or recognized by the State that has received municipal and local law enforcement authorization, including approval for the organization's traffic routing, schedule and procedures for the event or project. [2005, c. 106, §1 (AMD).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2005, c. 106, §1 (AMD).

## §2110. HITCHHIKING FORBIDDEN

**1. Definition.** As used in this section, "hitchhike" means to endeavor by words, gestures or otherwise to beg, invite or secure transportation in a motor vehicle not engaged in carrying passengers for hire, unless the hitchhiker is known to the driver or a passenger.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Violation.** A person commits a traffic infraction if that person hitchhikes on:

A. The traveled portion of a public way; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A limited access highway, including but not limited to the Maine Turnpike; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Any portion of a public way during the nighttime. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Exception.** This section does not prohibit solicitation of aid in the event of an accident or by persons who are sick or seeking assistance for the sick, if the sickness is bona fide and an emergency exists.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Regulation.** A municipality may regulate or prohibit hitchhiking on a public way by ordinance. The Department of Transportation may regulate or prohibit hitchhiking on a state or state aid highway in the interest of safety at those locations where accidents may be a problem, limited visibility exists or severe traffic conflicts or other safety factors may occur.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Posting.** An area in which hitchhiking has been regulated or prohibited must be clearly identified by posted signs.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Forfeitures.** For a violation of subsection 2, a forfeiture not to exceed \$50 may be adjudged.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2111. AIR POLLUTION CONTROL SYSTEMS

**1. Definition.** For the purpose of this section, "air pollution control system" means a device or element of design installed on or in a motor vehicle or engine to comply with pollutant emission restrictions established by federal law.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Prohibition.** A person commits a Class E crime if that person operates a motor vehicle, except for an antique auto, a motor vehicle using liquefied petroleum gas as engine fuel or a farm tractor on a public way if any operational element of the air pollution control system of that vehicle has been removed, dismantled or otherwise rendered inoperative.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Suspension.** If a person is convicted of violating this section, the clerk of the court shall furnish to the Secretary of State an attested copy of the judgment of conviction. On receipt of that copy, the Secretary of State shall suspend the registration of the vehicle in violation.

The suspension may be appealed as provided in section 2485.

Unless otherwise ordered by the Superior Court on appeal, the suspension remains in effect until the Secretary of State has received notice from an official inspection station that the air pollution control system of that vehicle is in good working order.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2112. DRINKING WHILE OPERATING A MOTOR VEHICLE

*(REPEALED)*

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 293, §2 (RP).

## §2112-A. OPEN CONTAINER; DRINKING IN A VEHICLE PROHIBITED

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Alcohol" means spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption that contains more than 1/2 of 1% of alcohol by volume. [1999, c. 293, §3 (NEW).]

B. "Open alcoholic beverage container" means a bottle, can or other receptacle that contains any amount of alcohol, and that is open or has a broken seal, or the contents of which are partially removed. [1999, c. 293, §3 (NEW).]

C. "Passenger area" means the area designed to seat the operator and passengers while a motor vehicle is in operation and any area readily accessible to the operator or a passenger, including the glove compartment, while in their seating positions. [1999, c. 293, §3 (NEW).]

D. "Public way" means a way, including a right-of-way, owned and maintained by the State, a county or a municipality over which the general public has a right to pass. [1999, c. 293, §3 (NEW).]

[ 1999, c. 293, §3 (NEW) .]

**2. Violation.** The operator of a vehicle on a public way is in violation of this section if the operator or a passenger in the passenger area of the vehicle:

A. Consumes alcohol; or [1999, c. 293, §3 (NEW).]

B. Possesses an open alcoholic beverage container. [1999, c. 293, §3 (NEW).]

[ 1999, c. 293, §3 (NEW) .]

**3. Exceptions.** An operator of a vehicle is not in violation of this section if:

A. The operator or a passenger possesses an open alcoholic beverage container in a vehicle not equipped with a trunk if the open alcoholic beverage container is located behind the last upright seat of the vehicle or in an area not normally occupied by the operator or passenger; [1999, c. 293, §3 (NEW).]

B. A passenger transported for a fee consumes alcohol or possesses an open alcoholic beverage container in a vehicle designed for the for-hire transportation of passengers other than a taxicab; [1999, c. 293, §3 (NEW).]

C. A passenger possesses an open alcoholic beverage container or a passenger consumes alcohol in the living quarters of a motor home, trailer, semitrailer or truck camper; or [1999, c. 293, §3 (NEW).]

D. The operator or the operator's employer holds a valid off-premise catering license issued under Title 28-A, section 1052 and the alcohol is being transported either to or from a catered event. [1999, c. 293, §3 (NEW).]

[ 1999, c. 293, §3 (NEW) .]

#### SECTION HISTORY

1999, c. 293, §3 (NEW).

## §2113. VISIBLE EMISSIONS

**1. Prohibition.** A person may not operate a gasoline-powered motor vehicle on a public way if the motor vehicle emits visible smoke, other than water vapor, in the exhaust emissions for a period in excess of 5 consecutive seconds.

[ 1997, c. 786, §7 (NEW) .]

**2. Violation; penalty.** A violation of this section is a traffic infraction for which a forfeiture not to exceed \$100 may be adjudged. A person against whom enforcement action has been taken for a violation of subsection 1 may not be adjudicated to have committed a subsequent violation of subsection 1 unless 24 hours have elapsed between the date and time of the first violation indicated on the Violation and Summons Complaint and the subsequent violation.

[ 1997, c. 786, §7 (NEW) .]

#### SECTION HISTORY

1997, c. 786, §7 (NEW).

## §2114. DIESEL-POWERED MOTOR VEHICLE EMISSION OPACITY TESTING PROGRAM

**1. Program established.** The Diesel-powered Motor Vehicle Emission Opacity Testing Program, referred to in this section as the "program," is established within the Department of Environmental Protection. The Department of Environmental Protection shall administer the program in cooperation with the Department of Public Safety.

[ 1997, c. 786, §7 (NEW) .]

**2. Definitions.** As used in this section, the following terms have the following meanings.

A. "Diesel-powered motor vehicle" refers only to a diesel-powered motor vehicle that has a gross vehicle weight rating of 18,000 or more pounds. "Diesel-powered motor vehicle" does not include a truck registered as a farm truck. [2003, c. 452, Pt. Q, §61 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. "Opacity" means the degree of light-obscuring capability of emissions of visible air contaminants expressed as a percentage. Complete obscuration must be expressed as 100% opacity. [2003, c. 452, Pt. Q, §61 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. Q, §61 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Testing and repair requirement.** A person who causes operation of a diesel-powered motor vehicle shall comply with the requirements of the program, including emission opacity standards and testing and repair requirements. Owners or operators of diesel-powered motor vehicles that have failed opacity standards for the first time have 30 days from the date that the operator was notified of the failure of the test to certify to the department that repairs were made to bring the vehicle into compliance with the opacity standards established pursuant to this section. If certification is not made within 30 days, then owners or operators commit a traffic infraction. A person may not be found in violation of this section until after January 1, 2000.

Only diesel-powered motor vehicles identified by certified inspectors as potential violators of the program's emission opacity standards are subject to testing under this section. Inspectors must be certified pursuant to the procedures for certification specified in 40 Code of Federal Regulations, Part 60, Appendix A, Method 9.

[ 2003, c. 452, Pt. Q, §62 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**3-A. Penalties.** The following penalties apply to violations of this section.

A. A person who violates this section commits a traffic infraction for which a fine of \$250 may be adjudged. [2003, c. 452, Pt. Q, §63 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. A person who violates this section after previously having been adjudicated as violating this section commits a traffic infraction for which a fine of \$500 may be adjudged. [2003, c. 452, Pt. Q, §63 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. Q, §63 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**4. Standards and procedures.** The Board of Environmental Protection shall adopt rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A, that establish standards and procedures to continue the program. These rules must include the following:

A. Emission opacity standards for diesel-powered motor vehicles that are consistent with emission opacity standards for diesel-powered motor vehicles recommended by an interstate association of air quality control divisions in the northeast states; [1997, c. 786, §7 (NEW).]

B. Standards and procedures, including testing methods and standards for test equipment, for safe and effective roadside testing of diesel-powered motor vehicles that operate on public ways of the State for the purpose of enforcing compliance with emission opacity standards; [1997, c. 786, §7 (NEW) .]

C. Standards and procedures for the administration and enforcement of the program. The rules may establish reciprocity agreements with other states that recognize enforcement actions related to diesel-powered motor vehicle testing programs in other states; [1999, c. 356, §1 (AMD) .]

D. Repair requirements and standards and procedures for certification of repairs; and [1999, c. 356, §1 (AMD) .]

E. Standards and procedures for the enforcement of violations and the monitoring and certification of repairs made to bring a vehicle into compliance pursuant to this section. [1999, c. 356, §1 (NEW) .]

[ 1999, c. 356, §1 (AMD) .]

**5. Educational program.** A person who causes operation of a diesel-powered motor vehicle that does not comply with the program's emission opacity standards must be given educational materials by the Department of Environmental Protection regarding the environmental and other benefits of a vehicle that is in compliance with the standards set forth in subsection 4.

[ 1997, c. 786, §7 (NEW) .]

## **6. Implementation.**

[ 1999, c. 356, §1 (RP) .]

## **7. Definition.**

[ 2003, c. 452, Pt. Q, §64 (RP); 2003, c. 452, Pt. X, §2 (AFF) .]

### **SECTION HISTORY**

1997, c. 786, §7 (NEW). 1999, c. 356, §1 (AMD). 2003, c. 452, §§Q61-64 (AMD). 2003, c. 452, §X2 (AFF).

## **§2115. OPERATING MOTOR VEHICLE ON PICKEREL POND**

A person may not operate a motor vehicle as defined in section 101, subsection 42 on Pickerel Pond located in Township 32 Middle Division. This section does not apply to motor vehicles of the Department of Inland Fisheries and Wildlife, airmobiles as defined in Title 12, section 13001, subsection 2 and authorized emergency vehicles as defined in section 2054, subsection 1, paragraph B. A person who violates this section commits a traffic infraction for which a fine of not less than \$100 nor more than \$500 may be adjudged.

[2005, c. 433, §19 (AMD); 2005, c. 433, §28 (AFF) .]

### **SECTION HISTORY**

RR 2003, c. 2, §93 (COR). 2003, c. 614, §8 (NEW). 2005, c. 433, §19 (AMD). 2005, c. 433, §28 (AFF).

## **§2116. USE OF ELECTRONIC DEVICES BY MINORS WHILE OPERATING MOTOR VEHICLES**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Handheld electronic device" means any handheld electronic device that is not part of the operating equipment of the motor vehicle, including but not limited to an electronic game, device for sending or receiving electronic mail, text messaging device or computer. [2007, c. 272, §1 (NEW).]

B. "Mobile telephone" means a device used to access a wireless telephone service. [2007, c. 272, §1 (NEW).]

B-1. "Operate" means driving a motor vehicle on a public way with the motor running, including while temporarily stationary because of traffic, a traffic light or a stop sign or otherwise stationary. "Operate" does not include operating a motor vehicle with or without the motor running when the operator has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary. [2015, c. 113, §4 (NEW).]

C. "Using" means manipulating, talking into or otherwise interacting with a mobile telephone or handheld electronic device. [2015, c. 113, §5 (AMD).]

[2015, c. 113, §§4, 5 (AMD).]

**2. Prohibition.** A person who has not attained 18 years of age may not operate a motor vehicle while using a mobile telephone or handheld electronic device.

[2007, c. 272, §1 (NEW).]

**3. Penalty.** A person who violates this section commits a traffic infraction for which a fine of not less than \$50 for the first offense and not less than \$250 for a 2nd or subsequent offense may be adjudged.

[2007, c. 272, §1 (NEW).]

#### SECTION HISTORY

2007, c. 272, §1 (NEW). 2015, c. 113, §§4, 5 (AMD).

## §2117. USE OF TRAFFIC SURVEILLANCE CAMERAS RESTRICTED

The State or a municipality may not use a traffic surveillance camera to prove or enforce a violation of this Title. For purposes of this section, "traffic surveillance camera" means a device that, in conjunction with a lighted traffic-control device or a lane direction control device, as described in section 2057, subsections 1 and 3, or a speed measurement device as described in section 2075, subsection 4, automatically produces one or more photographs, one or more microphotographs, a videotape or any other recorded image of a vehicle at the time the vehicle is operated in violation of state law. [2009, c. 223, §1 (NEW).]

This section does not apply to a photo-monitoring system, as defined by Title 23, section 1980, subsection 2-A, paragraph B, subparagraph 4, used by the Maine Turnpike Authority for toll enforcement purposes. [2009, c. 223, §1 (NEW).]

*(As enacted by PL 2009, c. 446, §1 is REALLOCATED TO TITLE 29-A, SECTION 2118)*

#### SECTION HISTORY

RR 2009, c. 1, §18 (RAL). 2009, c. 223, §1 (NEW). 2009, c. 446, §1 (NEW).

## §2117-A. USE OF AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS

**1. Definitions.** As used in this section, unless the context otherwise indicates, "automated license plate recognition system" means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data. "Automated



license plate recognition system" does not include a photo-monitoring system, as defined in Title 23, section 1980, subsection 2-A, paragraph B, subparagraph (4), when used by the Maine Turnpike Authority or a law enforcement agency for toll enforcement purposes.

[ 2009, c. 605, §1 (NEW) . ]

**2. Prohibition.** Except as otherwise provided in subsection 3, a person may not use an automated license plate recognition system.

[ 2009, c. 605, §1 (NEW) . ]

**3. Exception.** Subsection 2 does not apply to:

A. The Department of Transportation for the purposes of protecting public safety and transportation infrastructure; [2009, c. 605, §1 (NEW).]

B. The Department of Public Safety, Bureau of State Police for the purposes of commercial motor vehicle screening and inspection; and [2009, c. 605, §1 (NEW).]

C. Any state, county or municipal law enforcement agency when providing public safety, conducting criminal investigations and ensuring compliance with local, state and federal laws. For purposes of this paragraph, an automated license plate recognition system may use only information entered by a law enforcement officer as defined by Title 17-A, section 2, subsection 17 and based on specific and articulable facts of a concern for safety, wrongdoing or a criminal investigation or pursuant to a civil order or records from the National Crime Information Center database or an official published law enforcement bulletin. [2009, c. 605, §1 (NEW).]

An authorized user under this subsection of an automated license plate recognition system may use an automated license plate recognition system only for the official and legitimate purposes of the user's employer.

[ 2009, c. 605, §1 (NEW) . ]

**4. Confidentiality.** Data collected or retained through the use of an automated license plate recognition system in accordance with subsection 3 are confidential under Title 1, chapter 13 and are available for use only by a law enforcement agency in carrying out its functions or by an agency collecting information under subsection 3 for its intended purpose and any related civil or criminal proceeding.

A law enforcement agency may publish and release as public information summary reports using aggregate data that do not reveal the activities of an individual or firm and may share commercial motor vehicle screening data with the Federal Motor Carrier Safety Administration for regulatory compliance purposes.

[ 2009, c. 605, §1 (NEW) . ]

**5. Data retention.** Data collected or retained through the use of an automated license plate recognition system in accordance with subsection 3 that are not considered intelligence and investigative record information as defined by Title 16, section 803, subsection 7, or data collected for the purposes of commercial motor vehicle screening, may not be stored for more than 21 days.

[ 2013, c. 267, Pt. B, §23 (AMD) . ]

**6. Penalty.** Violation of this section is a Class E crime.

[ 2009, c. 605, §1 (NEW) . ]

#### SECTION HISTORY

2009, c. 605, §1 (NEW). 2013, c. 267, Pt. B, §23 (AMD).

## §2118. FAILURE TO MAINTAIN CONTROL OF A MOTOR VEHICLE

(REALLOCATED FROM TITLE 29-A, SECTION 2117)

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Operation of a motor vehicle while distracted" means the operation of a motor vehicle by a person who, while operating the vehicle, is engaged in an activity:

(1) That is not necessary to the operation of the vehicle; and

(2) That actually impairs, or would reasonably be expected to impair, the ability of the person to safely operate the vehicle. [2009, c. 1, §18 (RAL).]

[2009, c. 1, §18 (RAL).]

**2. Failure to maintain control of a motor vehicle.** A person commits the traffic infraction of failure to maintain control of a motor vehicle if the person:

A. Commits either a traffic infraction under this Title or commits the crime of driving to endanger under section 2413 and, at the time the traffic infraction or crime occurred, the person was engaged in the operation of a motor vehicle while distracted; or [2009, c. 1, §1 (RAL).]

B. Is determined to have been the operator of a motor vehicle that was involved in a reportable accident as defined in section 2251, subsection 1 that resulted in property damage and, at the time the reportable accident occurred, the person was engaged in the operation of a motor vehicle while distracted. [2009, c. 1, §18 (RAL).]

A person may be issued a citation or summons for any other traffic infraction or crime that was committed by the person in relation to the person's commission of the traffic infraction of failure to maintain control of a motor vehicle.

[2009, c. 1, §18 (RAL).]

### SECTION HISTORY

RR 2009, c. 1, §18 (RAL).

## §2119. TEXT MESSAGING WHILE OPERATING MOTOR VEHICLE; PROHIBITION

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Cellular telephone" means a device used to access wireless telephone service. [2011, c. 207, §1 (NEW).]

B. "Portable electronic device" means any portable electronic device that is not part of the operating equipment of a motor vehicle, including but not limited to an electronic game, device for sending or receiving e-mail, text messaging device, cellular telephone and computer. [2011, c. 207, §1 (NEW).]

C. "Text messaging" means reading or manually composing electronic communications, including text messages, instant messages and e-mails, using a portable electronic device. "Text messaging" does not include using a global positioning or navigation system. [2011, c. 207, §1 (NEW).]

D. "Operate" means driving a motor vehicle on a public way with the motor running, including while temporarily stationary because of traffic, a traffic light or a stop sign or otherwise stationary. "Operate" does not include operating a motor vehicle with or without the motor running when the operator has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary. [2013, c. 381, Pt. B, §28 (NEW).]

[2013, c. 381, Pt. B, §28 (AMD).]

**2. Prohibition.** A person may not operate a motor vehicle while engaging in text messaging.

[2011, c. 207, §1 (NEW).]

**3. Penalties.** The following penalties apply to a violation of this section.

A. A person who violates this section commits a traffic infraction for which a fine of not less than \$250 may be adjudged. [2013, c. 188, §1 (NEW).]

B. A person who violates this section after previously having been adjudicated as violating this section within a 3-year period commits a traffic infraction for which a fine of not less than \$500 may be adjudged, and the Secretary of State shall suspend the license of that person without right to hearing. The minimum periods of license suspension are:

(1) Thirty days, if the person has 2 adjudications for a violation of this section within a 3-year period;

(2) Sixty days, if the person has 3 adjudications for a violation of this section within a 3-year period; and

(3) Ninety days, if the person has 4 or more adjudications for a violation of this section within a 3-year period.

For the purposes of this paragraph, an adjudication has occurred within a 3-year period if the date of the new conduct is within 3 years of the date of a docket entry of adjudication of a violation of this section. [2013, c. 188, §1 (NEW).]

[2013, c. 188, §1 (RPR).]

#### SECTION HISTORY

2011, c. 207, §1 (NEW). 2011, c. 654, §7 (AMD). 2013, c. 188, §1 (AMD). 2013, c. 381, Pt. B, §28 (AMD).

### Subchapter 3: ACCIDENT AND THEFT REPORTS

#### §2251. ACCIDENT REPORTS

**1. Definition.** As used in this section, "reportable accident" means an accident on a public way or a place where public traffic may reasonably be anticipated, resulting in bodily injury or death to a person or apparent property damage of \$1,000 or more. Apparent property damage under this subsection must be based upon the market value of the necessary repairs and may not be limited to the current value of the vehicle or property.

[2007, c. 348, §23 (AMD).]

**2. Report required.** A reportable accident must be reported immediately by the quickest means of communication to a state police officer, or to the nearest state police field office, or to the sheriff's office, or to a deputy sheriff, within the county in which the accident occurred, or to the office of the police department, or to an officer, of the municipality in which the accident occurred. The accident must be reported by:

A. The operator of an involved vehicle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A person acting for the operator; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. If the operator is unknown, the owner of an involved vehicle having knowledge of the accident. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1995, c. 2, §71 (COR) .]

**3. Form.** The Chief of the State Police:

A. Shall prepare and supply forms and approve the format for electronic submission for reports that require sufficiently detailed information to disclose the cause, conditions, persons and vehicles involved, including information to permit the Secretary of State to determine whether the requirement for proof of financial responsibility is inapplicable; [2003, c. 688, Pt. A, §35 (RPR).]

B. Shall receive, tabulate and analyze accident reports; [2003, c. 434, §23 (AMD); 2003, c. 434, §37 (AFF).]

B-1. Shall send all accident reports to the Secretary of State; and [2003, c. 434, §23 (NEW); 2003, c. 434, §37 (AFF).]

C. May publish statistical information on the number, cause and location of accidents. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2003, c. 688, Pt. A, §35 (AMD) .]

**4. Investigation.** A law enforcement officer who investigates a reportable accident shall:

A. Interview participants and witnesses; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Within 5 days from the time of notification of the accident, transmit an electronic report or the original written report containing all available information to the Chief of the State Police. [2003, c. 688, Pt. A, §36 (RPR).]

Every reported accident must be promptly investigated.

If the accident results in serious bodily injury or death of any person, the investigation must be conducted by an officer who has met the training standards of a full-time law enforcement officer. A law enforcement officer who investigates an accident involving a bus or truck with a gross vehicle weight rating or a registered weight in excess of 10,000 pounds that results in the death of any person shall request a certified accident reconstructionist and the Bureau of State Police Commercial Vehicle Enforcement Unit to assist in the investigation of the accident. The Attorney General shall designate an assistant attorney general familiar with federal commercial vehicle laws and regulations to serve as a resource to any district attorney who initiates a prosecution arising from an accident involving a bus or truck with a gross vehicle weight rating or a registered weight in excess of 10,000 pounds that results in the death of any person.

[ 2003, c. 688, Pt. A, §36 (AMD) .]

**5. Forty-eight-hour report.**

[ 2003, c. 434, §37 (AFF); 2003, c. 434, §25 (RP) .]

**6. Financial responsibility information.** The owner or operator of a vehicle involved in an accident shall furnish additional relevant information as the Secretary of State requires to determine the applicability of the requirement of proof of financial responsibility.

The Secretary of State may rely on the accuracy of the information until there is reason to believe that the information is erroneous.

[ 2003, c. 434, §37 (AFF); 2003, c. 434, §26 (RPR) . ]

**7. Report information.** An accident report made by an investigating officer or a report made by an operator as required by subsection 2 is for the purposes of statistical analysis and accident prevention.

A report or statement contained in the accident report, or a report as required by subsection 2, a statement made or testimony taken at a hearing before the Secretary of State held under section 2483, or a decision made as a result of that report, statement or testimony may not be admitted in evidence in any trial, civil or criminal, arising out of the accident.

A report may be admissible in evidence solely to prove compliance with this section.

Notwithstanding subsection 7-A, the Chief of the State Police may disclose the date, time and location of the accident and the names and addresses of operators, owners, injured persons, witnesses and the investigating officer. On written request, the chief may furnish a photocopy of the investigating officer's report at the expense of the person making the request. The cost of furnishing a copy of the report is not subject to the limitations of Title 1, section 408-A.

[ 2011, c. 662, §18 (AMD) . ]

**7-A. Accident report database; public dissemination of accident report data.** Data contained in an accident report database maintained, administered or contributed to by the Department of Public Safety, Bureau of State Police must be treated as follows.

A. For purposes of this subsection, the following terms have the following meanings.

- (1) "Data" means information existing in an electronic medium and contained in an accident report database.
- (2) "Nonpersonally identifying accident report data" means any data in an accident report that are not personally identifying accident report data.
- (3) "Personally identifying accident report data" means:
  - (a) An individual's name, residential and post office box mailing address, social security number, date of birth and driver's license number;
  - (b) A vehicle registration plate number;
  - (c) An insurance policy number;
  - (d) Information contained in any free text data field of an accident report; and
  - (e) Any other information contained in a data field of an accident report that may be used to identify a person. [ 2011, c. 654, §8 (AMD) . ]

B. Except as provided in paragraph B-1 and Title 16, section 805, subsection 6, the Department of Public Safety, Bureau of State Police may not publicly disseminate personally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police. Such data are not public records for the purposes of Title 1, chapter 13. [ 2013, c. 267, Pt. B, §24 (AMD) . ]

B-1. The Department of Public Safety, Bureau of State Police may disseminate a vehicle registration plate number contained in an accident report database maintained, administered or contributed to by the Bureau of State Police to a person only if that person provides the Bureau of State Police an affidavit stating that the person will not:

- (1) Use a vehicle registration plate number to identify or contact a person; or

(2) Disseminate a vehicle registration plate number to another person. [2011, c. 654, §8 (NEW).]

C. The Department of Public Safety, Bureau of State Police may publicly disseminate nonpersonally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police. The cost of furnishing a copy of such data is not subject to the limitations of Title 1, section 408-A. [2011, c. 662, §19 (AMD).]

[2013, c. 267, Pt. B, §24 (AMD).]

**8. Violation.** A person commits a Class E crime if that person:

A. Is required to make an oral or written report and knowingly fails to do so within the time required; [2001, c. 360, §15 (AMD).]

B. Is an operator involved in a reportable accident and knowingly fails to give a correct name and address when requested by an officer at the scene; [2011, c. 654, §9 (AMD).]

C. Is the operator involved in a reportable accident or the owner of a vehicle involved in a reportable accident and knowingly fails to produce the vehicle or, if the vehicle is operational, return it to the scene when requested by the investigating officer; or [2011, c. 654, §9 (AMD).]

D. Obtains a vehicle registration plate number pursuant to subsection 7-A, paragraph B-1 and knowingly uses that vehicle registration plate number to identify or contact a person or knowingly disseminates that vehicle registration plate number to another person. [2011, c. 654, §9 (NEW).]

[2011, c. 654, §9 (AMD).]

**9. Prima facie evidence.** The absence of notice to a law enforcement agency with jurisdiction where the accident occurred is prima facie evidence of failure to report an accident.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**10. Suspension.** The Secretary of State may suspend or revoke the motor vehicle driver's license and certificate of registration of a person who is required to make a report and fails to do so or who fails to provide the information required by the Secretary of State.

[2003, c. 434, §28 (AMD); 2003, c. 434, §37 (AFF).]

**11. Exemption.** The operator of a snowmobile or an all-terrain vehicle as defined by Title 12, section 13001, unless the all-terrain vehicle is registered for highway use by the Secretary of State under this Title, is exempt from the reporting requirements of subsection 2.

[2003, c. 614, §9 (AFF); 2003, c. 688, Pt. B, §11 (AFF); 2003, c. 688, Pt. B, §10 (RPR).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). RR 1995, c. 2, §71 (COR). 1997, c. 172, §1 (AMD). 1997, c. 178, §3 (AMD). 1999, c. 61, §1 (AMD). 2001, c. 360, §15 (AMD). 2003, c. 340, §§9,10 (AMD). 2003, c. 414, §B46 (AMD). 2003, c. 414, §D7 (AFF). 2003, c. 434, §§23-28 (AMD). 2003, c. 434, §37 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 688, §§A35,36 (AMD). 2003, c. 688, §B10 (AMD). 2003, c. 688, §B11 (AFF). 2003, c. 709, §4 (AMD). 2007, c. 348, §23 (AMD). 2011, c. 390, §§1, 2 (AMD). 2011, c. 420, Pt. K, §1 (AMD). 2011, c. 420, Pt. K, §2 (AFF). 2011, c. 654, §§8, 9 (AMD). 2011, c. 662, §§18, 19 (AMD). 2013, c. 267, Pt. B, §24 (AMD).

## §2252. ACCIDENTS INVOLVING DEATH OR PERSONAL INJURY

**1. Operator required to stop.** The operator of a vehicle involved in an accident anywhere that results in personal injury or death to a person shall immediately stop the vehicle at the scene of the accident or stop as close as possible and immediately return to the scene.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Provide information.** The operator shall remain at the scene and provide to the injured person or someone acting for the injured person or the operator or an occupant of the other vehicle:

A. The operator's name and address; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The registration number of the operator's vehicle; [2013, c. 291, §1 (AMD).]

C. An opportunity to examine the driver's license if the injured person or someone acting for the injured person or the operator or an occupant of the other vehicle so requests and the license is available; and [2013, c. 291, §1 (AMD).]

D. Evidence of liability insurance or financial responsibility as required by section 1601 if the injured person or someone acting for the injured person or the operator or occupant of the other vehicle so requests. [2013, c. 291, §1 (NEW).]

[ 2013, c. 291, §1 (AMD) .]

**3. Render assistance.** The operator shall render reasonable assistance to an injured person.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Violation.** A person commits a Class D crime if that person fails to comply with this section, except that a person commits a traffic infraction if that person fails to comply with subsection 2, paragraph D.

[ 2013, c. 291, §1 (AMD) .]

**5. Aggravated punishment category.** Notwithstanding subsection 4, a person commits a Class C crime if that person intentionally, knowingly or recklessly fails to comply with this section and the accident resulted in serious bodily injury, as defined in Title 17-A, section 2, subsection 23, or death.

[ 1999, c. 670, §1 (NEW) .]

**6. Dismissal.** The clerk of the District Court Violations Bureau or trial court shall dismiss a Violation Summons and Complaint charging a person with a violation of subsection 2, paragraph D if that person:

A. Shows the issuing law enforcement officer satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation and the issuing officer notifies the violations bureau of that fact; or [2013, c. 291, §1 (NEW).]

B. Files a timely answer to a Violation Summons and Complaint alleging a violation of subsection 2, paragraph D and that person presents to the court at the time of trial satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. [2013, c. 291, §1 (NEW).]

[ 2013, c. 291, §1 (NEW) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 670, §1 (AMD). 2013, c. 291, §1 (AMD).

## §2253. ACCIDENTS INVOLVING VEHICLE DAMAGE

**1. Operator required to stop.** The operator of a vehicle involved in an accident that results in damage to an attended vehicle shall immediately stop the vehicle at the scene of the accident or stop as close as possible and immediately return to the scene.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Provide information.** The operator shall remain at the scene and provide to the operator or an occupant of the other vehicle:

A. The operator's name and address; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The registration number of the operator's vehicle; [2013, c. 291, §2 (AMD).]

C. An opportunity to examine the driver's license if the other operator or an occupant so requests and the license is available; and [2013, c. 291, §2 (AMD).]

D. Evidence of liability insurance or financial responsibility as required by section 1601 if the other operator or an occupant so requests. [2013, c. 291, §2 (NEW).]

[ 2013, c. 291, §2 (AMD) .]

**3. Violation.** A person commits a Class E crime if that person fails to comply with this section, except that a person commits a traffic infraction if that person fails to comply with subsection 2, paragraph D.

[ 2013, c. 291, §2 (AMD) .]

**4. Dismissal.** The clerk of the District Court Violations Bureau or trial court shall dismiss a Violation Summons and Complaint charging a person with a violation of subsection 2, paragraph D if that person:

A. Shows the issuing law enforcement officer satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation and the issuing officer notifies the violations bureau of that fact; or [2013, c. 291, §2 (NEW).]

B. Files a timely answer to a Violation Summons and Complaint alleging a violation of subsection 2, paragraph D and that person presents to the court at the time of trial satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. [2013, c. 291, §2 (NEW).]

[ 2013, c. 291, §2 (NEW) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2013, c. 291, §2 (AMD).

## §2254. ACCIDENTS INVOLVING UNATTENDED VEHICLE

**1. Operator required to stop.** The operator of a vehicle involved in an accident that results in damage to an unattended vehicle shall immediately stop the vehicle at the scene of the accident or stop as close as possible and immediately return to the scene.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Provide information.** The operator shall notify the owner or operator of the unattended vehicle or shall leave on that vehicle in a conspicuous place a statement containing:



A. The operator's name and address; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The registration number of the operator's vehicle; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A statement of the circumstances of the accident. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2-A. Evidence of financial responsibility.** The operator of a vehicle involved in an accident that results in damage to an unattended vehicle shall provide evidence of liability insurance or financial responsibility as required by section 1601 if the owner or operator of the unattended vehicle so requests.

[ 2013, c. 291, §3 (NEW) .]

**3. Violation.** A person commits a Class E crime if that person fails to comply with this section, except that a person commits a traffic infraction if that person fails to comply with subsection 2-A.

[ 2013, c. 291, §3 (AMD) .]

**4. Dismissal.** The clerk of the District Court Violations Bureau or trial court shall dismiss a Violation Summons and Complaint charging a person with a violation of subsection 2-A if that person:

A. Shows the issuing law enforcement officer satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation and the issuing officer notifies the violations bureau of that fact; or [2013, c. 291, §3 (NEW).]

B. Files a timely answer to a Violation Summons and Complaint alleging a violation of subsection 2-A and that person presents to the court at the time of trial satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. [2013, c. 291, §3 (NEW).]

[ 2013, c. 291, §3 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2013, c. 291, §3 (AMD) .

## §2255. ACCIDENTS INVOLVING PROPERTY DAMAGE

**1. Notification.** The operator of a vehicle involved in an accident anywhere that results in property damage shall take reasonable steps to notify the owner of that property of the accident.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Provide information.** The operator shall provide to the property owner:

A. The operator's name and address; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The registration number of the operator's vehicle; [2013, c. 291, §4 (AMD).]

C. An opportunity to examine the driver's license if the owner of the property so requests and the license is available; and [2013, c. 291, §4 (AMD).]

D. Evidence of liability insurance or financial responsibility as required by section 1601 if the owner of the property so requests. [ 2013, c. 291, §4 (NEW). ]

[ 2013, c. 291, §4 (AMD) . ]

**3. Violation.** A person commits a Class E crime if that person fails to comply with this section, except that a person commits a traffic infraction if that person fails to comply with subsection 2, paragraph D.

[ 2013, c. 291, §4 (AMD) . ]

**4. Dismissal.** The clerk of the District Court Violations Bureau or trial court shall dismiss a Violation Summons and Complaint charging a person with a violation of subsection 2, paragraph D if that person:

A. Shows the issuing law enforcement officer satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation and the issuing officer notifies the violations bureau of that fact; or [ 2013, c. 291, §4 (NEW). ]

B. Files a timely answer to a Violation Summons and Complaint alleging a violation of subsection 2, paragraph D and that person presents to the court at the time of trial satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation. [ 2013, c. 291, §4 (NEW). ]

[ 2013, c. 291, §4 (NEW) . ]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2013, c. 291, §4 (AMD).

## §2256. GARAGE PROPRIETOR TO REPORT SERIOUS ACCIDENT

**1. Report required.** If a person in charge of a garage or repair shop receives a motor vehicle that shows evidence of a serious accident or bullet damage, that person shall immediately report that vehicle to the nearest law enforcement agency, giving the serial and engine number or identification number, registration number and the name and address of the owner or operator of the vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**2. Violation.** A person commits Class E crime if that person fails to report a vehicle as required by this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2257. THEFTS

**1. Record of thefts.** The Chief of the State Police shall:

A. Maintain a record of stolen motor vehicles; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Promptly report the theft of a vehicle to the Secretary of State, giving a complete description of the vehicle, including the name and address of the person reporting the theft. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Recovery.** When a stolen vehicle is recovered, the owner shall notify the Chief of the State Police of the recovery. The Chief of the State Police shall remove the record of that theft and notify the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Violation.** An owner of a vehicle reported as stolen commits a Class E crime if that person fails to give notice of the vehicle's recovery.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## Subchapter 4: SCHOOL BUSES

### §2301. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Private school.** "Private school" has the same meaning as in Title 20-A, section 1, subsection 22.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**1-A. Allowable alternative vehicle.** "Allowable alternative vehicle" means a vehicle that:

A. Is designed to carry 10 or more people, including the driver; [2003, c. 293, §1 (NEW).]

B. Meets all the Federal Motor Vehicle Safety Standards of 49 Code of Federal Regulations, Part 571 or as subsequently amended, that are applicable to school buses, except for those provisions pertaining to lamps, reflective devices and associated equipment in 49 Code of Federal Regulations, Part 571.108 and those provisions pertaining to school bus pedestrian safety devices in 49 Code of Federal Regulations, Part 571.131; [2003, c. 293, §1 (NEW).]

C. Meets all the provisions of this Title pertaining to school buses, except for section 2302, subsection 1, paragraphs A to E and G and H; section 2304, subsection 1, paragraphs A to C and E; and section 2308; and [2003, c. 293, §1 (NEW).]

D. Is operated by a full-service transportation provider or urban fixed-route transit provider. [2003, c. 293, §1 (NEW).]

[ 2003, c. 293, §1 (NEW) .]

**1-B. Full service transportation provider.** "Full service transportation provider" has the same meaning as defined in rules adopted by the Department of Health and Human Services pertaining to transportation services for health care providers.

[ 2003, c. 293, §1 (NEW); 2003, c. 689, Pt. B, §6 (REV) .]

**1-C. Multifunction school activity bus.** "Multifunction school activity bus" means a noncommercial motor vehicle that:

A. Is designed to carry 15 or fewer passengers including the driver; [ 2013, c. 484, §1 (NEW) . ]

B. Meets all the Federal Motor Vehicle Safety Standards of 49 Code of Federal Regulations, Part 571, as amended, that are applicable to multifunction school activity buses; [ 2013, c. 484, §1 (NEW) . ]

C. Meets all provisions of this Title pertaining to school buses, except for section 2302, subsection 1, paragraphs A to E and G and H; section 2304; and section 2308; [ 2013, c. 484, §1 (NEW) . ]

D. Is clearly marked with the words "students aboard"; [ 2013, c. 484, §1 (NEW) . ]

E. Has all emergency exits clearly marked; and [ 2013, c. 484, §1 (NEW) . ]

F. Is clearly marked with the school administrative unit or school district name. [ 2013, c. 484, §1 (NEW) . ]

[ 2013, c. 484, §1 (NEW) . ]

**2. Private school activity bus.** "Private school activity bus" means a privately owned motor vehicle with a carrying capacity of 10 to 15 passengers that is not operated with public funds and that is used by a private school to transport students other than to and from home and school.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**3. School.** "School," as used in this subchapter, means an institution or facility for the teaching of children or for the custodial care of children, whether public or private, which is regularly attended by such children.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**4. School-age persons.** "School-age persons" means all children up to the age of 18 years and persons 18 years and older who are enrolled in a state-approved program of primary or secondary education, as defined in Title 20-A.

[ 1995, c. 395, Pt. G, §8 (AMD); 1995, c. 395, Pt. G, §20 (AFF) . ]

**5. School bus.** "School bus" means a:

A. School bus CMV; or [ 2007, c. 383, §24 (NEW) . ]

B. School bus non-CMV. [ 2007, c. 383, §24 (NEW) . ]

[ 2007, c. 383, §24 (AMD) . ]

**5-A. School bus CMV.** "School bus CMV" means a commercial motor vehicle used to transport preprimary, primary or secondary school students from home to school, from school to home or to and from school-sponsored events. "School bus CMV" does not include a bus used as a common carrier or a private school activity bus.

[ 2007, c. 383, §25 (NEW) . ]

**5-B. School bus non-CMV.** "School bus non-CMV" means a noncommercial motor vehicle designed to carry more than 10 passengers, including the driver, but less than 16 passengers, including the driver, and used to transport students from home to school, from school to home or to and from school-related events. "School bus non-CMV" does not include a private motor vehicle used to transport members of the owner's household or a private school activity bus.

[ 2007, c. 383, §26 (NEW) . ]

**6. Urban fixed-route transit provider.** "Urban fixed-route transit provider" means a transit district or a regional transportation corporation, as defined in Title 30-A, section 3501, that provides public transportation within one or more municipalities on prescribed routes at prescribed times.

[ 2003, c. 293, §1 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 395, §G8 (AMD). 1995, c. 395, §G20 (AFF). 2003, c. 293, §1 (AMD). 2003, c. 689, §B6 (REV). 2005, c. 433, §20 (AMD). 2005, c. 433, §28 (AFF). 2007, c. 383, §§24-26 (AMD). 2013, c. 484, §1 (AMD).

## §2302. SCHOOL BUS MARKINGS; LIGHTS; MIRRORS

### 1. Identifications. Each school bus:

A. Must be identified with the words, "school bus":

- (1) Printed in letters not less than 8 inches high; and
- (2) Located between the warning signal lamps as high as possible without impairing front and rear visibility of the lettering; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Must have no other lettering on the front or rear, except lettering not more than 4 inches high indicating an emergency exit and a bus number; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Must be painted national school bus glossy yellow, except that the hood may be lusterless black; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Must have bumpers of glossy black unless painting is impracticable through use of rubber, reflective material or other devices; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. Must be equipped with a system of signal lights that conform to school bus requirements approved by the Commissioner of Education; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. Must be equipped with a system of mirrors that give the seated operator a view of the way to each side of the bus, and of the area immediately in front of the front bumper; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

G. May be equipped with a system of stop arms to be operated only with the red signal lights; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

H. May be equipped with reflective strips of national school bus yellow. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### 2. Smaller buses.

[ 2003, c. 293, §2 (RP) .]

**3. Other purposes.** A school bus permanently converted wholly to other purposes must be painted a color other than national school bus glossy yellow and have the words "school bus," school bus signal lights and stop arms removed.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Other passengers.** A school bus operated on a public way and transporting passengers who do not include school-age persons must have the words "school bus" removed or concealed and the school bus signal lamps may not be operable.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Application.** A vehicle operated on a public way displaying the words "school bus" or with the equipment required by this section may only be used to transport school-age persons, as defined in section 2301.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 293, §2 (AMD).

### §2303. SCHOOL BUS OPERATOR REQUIREMENTS

**1. Requirements.** Except as provided in subsection 6, the Secretary of State may not issue a school bus operator endorsement unless the applicant:

A. Holds a valid driver's license for operation of the class vehicle and has at least one year's experience as a licensed motor vehicle operator; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Is at least 21 years of age and has held a driver's license for at least one year; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Meets all training, physical, mental and moral requirements of the Commissioner of Education, as certified to the Secretary of State in writing; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Is qualified as a driver under the motor carrier safety regulations of the Federal Highway Administration, if that person or that person's employer is subject to those regulations; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. Passes an examination of the person's ability to operate the specific vehicle that will be driven as a school bus or a vehicle of comparable type; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. Has not had a license revoked pursuant to chapter 23, subchapter V, within the preceding 6-year period; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

G. Has not received an OUI conviction, as defined in section 2401, subsection 9, within the preceding 10-year period. [1995, c. 645, Pt. B, §17 (AMD).]

[ 1995, c. 645, Pt. B, §17 (AMD) .]

**2. Current endorsement holders.** The Secretary of State shall suspend or revoke a school operator's endorsement as provided in section 2452.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Annual physical.** The applicant must pass an annual physical examination at the cost of the employer.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Safety and driver training.** The Department of Education shall, within available resources, develop, certify and administer regional school bus driver training programs and assist school administrative units in school bus safety and driver training.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Fee.** A fee of \$10 must accompany the initial application. The fee for a subsequent examination is \$5.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Waiver of skill and road test.** The Secretary of State may waive the skill and road tests for an applicant who has a valid authorization from another state to operate a school bus. The applicant for whom the skill and road tests are waived must comply with all other applicable state and federal requirements governing the issuance of school bus operator endorsements.

[ 1995, c. 310, §2 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 310, §§1,2 (AMD). 1995, c. 645, §B17 (AMD).

## §2304. SCHOOL BUS SEATING; DOORS; STANDING PROHIBITED

**1. Seating.** A school bus must meet the following seating requirements.

A. The manufacturer's specified seating capacity is determined by dividing the linear width of each seat by 13 and then rounding the quotient down to the nearest whole number. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The maximum seating capacity must be the following percentages of the manufacturer's specified seating capacity:

- (1) Grades 9 to 12, 85%;
- (2) Grades kindergarten to 12, 95%;
- (3) Grades kindergarten to 8, 100%; or
- (4) If at least 15 inches of seat width per student, 100%. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. There may not be auxiliary seating accommodations such as temporary or jump seats. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Seats must face the front of the bus and be divided by a center aisle at least 12 inches wide. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. Seating capacity must be displayed in a manner prescribed by the Commissioner of Education. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Doors.** A school bus must be equipped with at least 2 doors as follows:

A. One door on the right side near the front for ordinary exits and entrances; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A 2nd door located in the center of the rear or if the engine makes that impossible, on the left side in the center or to the rear of center. The 2nd door must be free of obstruction, clearly marked as an emergency exit, and constructed to open from inside and outside. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Standing passengers.** The operator of a school bus may not permit any passengers to stand when the bus is in motion on a public way.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Safety seat belts.** The operator and passengers in school buses equipped with safety seat belts shall wear those belts when the vehicle is in motion.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2305. SCHOOL BUS CONSTRUCTION; FIRE EXTINGUISHER

**1. Access.** A school bus must be constructed to permit the operator access to the passenger compartment without leaving the vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Exhaust pipe.** The exhaust pipe must be entirely outside the passenger compartment of a school bus.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Fuel tank filler, vent, drain openings.** The fuel tank filler, vent and drain openings must be outside the school bus body.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Fire extinguisher.** A school bus must have at least one dry chemical fire extinguisher:

A. Of at least 2 1/2 pound capacity; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Mounted in automotive type manufacturer's extinguisher bracket; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Located in the operator's compartment in full view of and readily accessible to the operator; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. Having an Underwriters' Laboratories rating of not less than 10-B: C. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).



## §2306. SCHOOL BUSES TO STOP AT RAILROAD TRACK CROSSINGS

**1. Full stop.** The operator of a school bus shall come to a full stop before crossing a railroad track at a point not more than 50 feet nor less than 15 feet from the nearest rail.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Ensure no train.** The operator shall ascertain beyond a reasonable doubt that no train, engine or conveyance is approaching on the track before proceeding to cross.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Violation.** A person commits a Class E crime if that person, while operating a school bus, fails to stop or yield the right-of-way as required by this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Suspension.** On conviction of failure to stop or yield to a train, an operator's permit to operate a school bus must be revoked by the Secretary of State for a period of not less than 2 years.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2307. SCHOOL BUS INSPECTION

**1. Biannual inspection.** Notwithstanding chapter 15, a school bus must be inspected biannually by an official inspection station designated by the Chief of the State Police as a school bus inspection station. An inspection sticker issued pursuant to this section is valid for no longer than 6 months from the last day of the month the sticker is issued.

[ 2009, c. 251, §12 (AMD) .]

**2. Additional inspection.** In addition to inspections under subsection 1, a school bus inspection must be conducted by the State Police at least annually. During such an inspection, an officer or employee of the State Police may remove an inspection sticker issued to a school bus and require the bus to be reinspected for a violation of applicable law or the rules adopted pursuant to section 1769.

[ 2009, c. 251, §13 (AMD) .]

### **3. Other dates.**

[ 2009, c. 251, §14 (RP) .]

**4. Fee.** The operator of an official school bus inspection station is entitled to a fee of \$8 for each school bus inspected. The fee does not include labor or material used in correction of faults.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 633, §7 (AMD). 2009, c. 251, §§12-14 (AMD).

## §2308. OVERTAKING AND PASSING SCHOOL BUSES

**1. Receiving or discharging passengers.** A school bus operator shall activate flashing lights at least 100 feet before a stop is made to receive or discharge passengers. These lights must be continually displayed until after the bus has received or discharged passengers.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Stopping.** The operator of a vehicle on a way, in a parking area or on school property, on meeting or overtaking a school bus from either direction when the bus has stopped with its red lights flashing to receive or discharge passengers, shall stop the vehicle before reaching the school bus. The operator may not proceed until the school bus resumes motion or until signaled by the school bus operator to proceed.

[ 1999, c. 183, §13 (AMD) .]

**3. Separated roadways.** The operator of a vehicle on a way separated by curbing or other physical barrier need not stop on meeting or passing a school bus:

A. Traveling in a lane separated by the barrier from the lane in which that operator is traveling; or  
[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. On a limited access highway where pedestrians are not permitted to cross the roadway with the school bus stopped in a loading zone. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Use of flashing red lights restricted.** Except during a driving license examination a school bus operator may not use the system of flashing lights on a school bus for a purpose other than controlling traffic while stopping to receive or discharge school-age persons.

[ 1997, c. 776, §42 (AMD) .]

**5. Registered owner's liability for vehicle illegally passing a school bus.** A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of subsection 2 commits a traffic infraction. For purposes of this subsection, "registered owner" includes a person issued a dealer or transporter registration plate.

A. The operator of a school bus who observes a violation of subsection 2 may report the violation to a law enforcement officer. If a report is made, the operator shall report the time and the location of the violation and the registration plate number and a description of the vehicle involved. The officer shall initiate an investigation of the reported violation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The investigating officer may cause the registered owner of the vehicle to be served with a summons for a violation of this subsection. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Except as provided in paragraph D, it is not a defense to a violation of this subsection that a registered owner was not operating the vehicle at the time of the violation. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. The following are defenses to a violation of this subsection.

(1) If a person other than the owner is convicted of operating the vehicle at the time of the violation in violation of subsection 2, then the registered owner may not be found in violation of this subsection.

(2) If the registered owner is a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides the investigating officer with a copy of the lease agreement containing the information required by section 254, then the lessee and not the lessor may be charged under this subsection.

(3) If the vehicle is operated using a dealer or transporter registration plate and at the time of the violation the vehicle was operated by any person other than the dealer or transporter, and if the dealer or transporter provides the investigating officer with the name and address of the person who had control over the vehicle at the time of the violation, then that person and not the dealer or transporter may be charged under this subsection.

(4) If a report that the vehicle was stolen is given to a law enforcement officer or agency before the violation occurs or within a reasonable time after the violation occurs, then the registered owner may not be charged under this subsection. [1995, c. 65, Pt. A, §110 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF).]

E. Notwithstanding subsection 6, a person who violates this subsection commits a traffic infraction. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1995, c. 65, Pt. A, §110 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

**6. Penalty.** A violation of this section is a Class E crime which, notwithstanding Title 17-A, section 1301, is punishable by a \$250 minimum fine for the first offense and a mandatory 30-day suspension of a driver's license for a 2nd offense occurring within 3 years of the first offense.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A110 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1997, c. 776, §42 (AMD). 1999, c. 183, §13 (AMD).

## §2309. EXEMPTIONS

The following, except for allowable alternative vehicles and school buses, are exempt from this subchapter: [2003, c. 293, §3 (RPR).]

**1. Vehicle used by day care facility.** A vehicle designed to carry 15 or fewer passengers, including the driver, used to transport children by a day care facility, except when transporting children to and from school; and

[ 2003, c. 293, §3 (NEW) .]

**2. Vehicle used for transportation to nonschool-based Head Start facility.** Until January 1, 2006 a vehicle designed to carry 15 or fewer passengers, including the driver, used to transport children to a nonschool-based Head Start facility if the vehicle was placed in service prior to October 1, 2003.

[ 2003, c. 293, §3 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 293, §3 (RPR).

## §2310. OTHER PERMITTED USES FOR BUSES

A bus may be used for school activities other than conveying students to and from home and school if:  
[ 2013, c. 484, §2 (NEW) . ]

**1. Carrying capacity of 40 or more passengers.** The bus has a carrying capacity of 40 or more passengers and is operated by a motor carrier holding an operator's permit issued by the Bureau of State Police and is integrally constructed; or

[ 2013, c. 484, §2 (NEW) . ]

**2. Multifunction school activity bus.** The bus is a multifunction school activity bus that is operated by a driver with a school bus operator endorsement pursuant to section 2303 that is appropriate for the number of passengers and gross vehicle weight rating. A driver of a multifunction school activity bus must comply with all applicable school bus operator requirements of this Title.

[ 2013, c. 484, §2 (NEW) . ]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2013, c. 484, §2 (RPR) .

## §2311. RULES

The Commissioner of Education may adopt or amend rules consistent with this Title and in accordance with the Maine Administrative Procedure Act, concerning school bus construction, equipment, operation and identification. Should the Federal Government or the State require transportation of public preschool children, the Department of Education shall develop and adopt rules regarding such transportation, and those rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. [ 2015, c. 73, §2 (AMD) . ]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 82, §1 (AMD). 2007, c. 572, Pt. A, §17 (AMD). 2015, c. 73, §2 (AMD) .

## Chapter 20: BICYCLE AND ROLLER SKIS SAFETY EDUCATION ACT

### §2321. SHORT TITLE

This chapter may be known and cited as the "Bicycle and Roller Skis Safety Education Act." [ 2009 , c. 484, §9 (AMD) . ]

#### SECTION HISTORY

1999, c. 331, §1 (NEW). 2009, c. 484, §9 (AMD) .

### §2322. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1999, c. 331, §1 (NEW) . ]

**1. Bicycle.** "Bicycle" means a vehicle primarily propelled by human power, operated by a person usually seated on a seat and driven on the ground on wheels by the operator.

[ 1999, c. 331, §1 (NEW) . ]

**2. Bicycle helmet.** "Bicycle helmet" means a piece of protective headgear intended for bicyclists that meets or exceeds the Consumer Products Safety Commission's standards.

[ 1999, c. 331, §1 (NEW) . ]

**3. Bicycle passenger.** "Bicycle passenger" means any person who is traveling on a bicycle, a bicycle trailer or a similar product but is not an operator.

[ 1999, c. 331, §1 (NEW) . ]

**4. Bicycle passenger seat.** "Bicycle passenger seat" means a seat separate from the saddle or seat for the operator of the bicycle or bicycle trailer or similar product that is securely fastened to the frame of the bicycle and is specifically designed for bicycle passenger use.

[ 1999, c. 331, §1 (NEW) . ]

**5. Bicycle taxi.** "Bicycle taxi" means a bicycle designed to carry passengers.

[ 1999, c. 331, §1 (NEW) . ]

**6. Bicycle taxi passenger.** "Bicycle taxi passenger" means a person who is traveling on a bicycle taxi but is not the operator of the bicycle taxi.

[ 1999, c. 331, §1 (NEW) . ]

**7. Bikeway.** "Bikeway" means a vehicle way, paved or unpaved, upon which bicycles, unicycles or other vehicles propelled by human power may be pedaled. The bikeway may be part of a road or highway or it may be adjacent to a road or highway. A bikeway is a right-of-way under the jurisdiction and control of the State or a local subdivision of the State for use primarily by bicyclists and pedestrians.

[ 1999, c. 331, §1 (NEW) . ]

**8. Operator.** "Operator" means a person who travels on and controls a bicycle or roller skis.

[ 2009, c. 484, §10 (AMD) .]

**9. Public roadway.** "Public roadway" means a right-of-way under the jurisdiction and control of the State or a local political subdivision of the State for the use primarily by motor vehicular traffic.

[ 1999, c. 331, §1 (NEW) .]

#### SECTION HISTORY

1999, c. 331, §1 (NEW). 2009, c. 484, §10 (AMD).

### §2323. BICYCLIST AND ROLLER SKIER HELMET USE; PASSENGER SEAT USE

**1. Use of helmet.** A person under 16 years of age who is an operator or a passenger on a bicycle or an operator of roller skis on a public roadway or a public bikeway shall wear a helmet of good fit, positioned properly and fastened securely upon the head by helmet straps.

[ 2009, c. 484, §11 (AMD) .]

**2. Passenger seat.** A bicycle passenger must be seated properly in a bicycle passenger seat.

[ 1999, c. 331, §1 (NEW) .]

#### SECTION HISTORY

1999, c. 331, §1 (NEW). 2009, c. 484, §11 (AMD).

### §2324. OBLIGATION OF RENTAL BUSINESSES

A person who is in the business of renting bicycles or roller skis shall post or make available to a person renting a bicycle or roller skis a written notice explaining the provisions of this chapter and shall provide an appropriate helmet to an operator or passenger who is under 16 years of age. A reasonable fee may be charged for the helmet rental. [2009, c. 484, §12 (AMD).]

#### SECTION HISTORY

1999, c. 331, §1 (NEW). 2009, c. 484, §12 (AMD).

### §2325. LIMITATION OF LIABILITY

A person who is in the business of selling or renting bicycles or roller skis who complies with this chapter is not liable in a civil suit for damages for any physical injuries sustained by an operator or bicycle passenger as a result of the operator's or passenger's failure to use a helmet. [2009, c. 484, §13 (AMD) .]

#### SECTION HISTORY

1999, c. 331, §1 (NEW). 2009, c. 484, §13 (AMD).

### §2326. EDUCATION; VIOLATIONS AND ENFORCEMENT

A person who violates section 2323, subsection 1 commits a traffic infraction. [2013, c. 482, §5 (AMD) .]

**1. Education.** For a first violation of section 2323, subsection 1, a law enforcement officer may provide safety information to the person. The officer may also inform that person's parent or guardian about the provisions of this chapter and about where to obtain an appropriate helmet.

[ 2009, c. 484, §14 (AMD) . ]

**2. Forfeiture.** For a 2nd or subsequent violation of section 2323, subsection 1, a forfeiture of no more than \$25 may be adjudged. The fine may be waived if a person presents proof of purchase of a bicycle helmet since the citation.

[ 2007, c. 400, §11 (NEW) . ]

#### SECTION HISTORY

1999, c. 331, §1 (NEW). 2007, c. 400, §11 (RPR). 2009, c. 484, §14 (AMD). 2013, c. 482, §5 (AMD).

### §2327. EXEMPTION

Bicycle taxi passengers are exempt from this Act. [1999, c. 331, §1 (NEW) . ]

#### SECTION HISTORY

1999, c. 331, §1 (NEW).

### §2328. EVIDENCE

In an accident involving a bicycle or a roller skier, the nonuse of a helmet by the operator or passenger is not admissible as evidence in a civil or criminal trial. [2009, c. 484, §15 (AMD) . ]

#### SECTION HISTORY

1999, c. 331, §1 (NEW). 2009, c. 484, §15 (AMD).

## Chapter 21: WEIGHT, DIMENSION AND PROTECTION OF WAYS

### Subchapter 1: WEIGHT

#### §2351. DEFINITIONS

(REPEALED)

##### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 164, §1 (AMD). 2003, c. 166, §10 (RP).

#### §2352. MAXIMUM OPERATIONAL WEIGHT

Except as allowed by specific exception in section 2382, a vehicle may not be operated on a public way if the weight exceeds: [1999, c. 580, §3 (AMD); 1999, c. 580, §14 (AFF).]

**1. Maximum.** A gross vehicle weight of 100,000 pounds;

[ 1999, c. 580, §4 (AMD); 1999, c. 580, §14 (AFF) .]

**2. Registered weight.** Registered weight with a tolerance of 500 pounds or 2 1/2% over the registered weight, whichever is greater;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Configuration weight.** The weight limits on axle configurations; or

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Axle.** The axle weight limit as provided in this subchapter.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

##### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 580, §§3,4 (AMD). 1999, c. 580, §14 (AFF).

#### §2353. WEIGHT LIMITS

**1. Weight limits.** Except as provided in section 2355, the following gross vehicle weight limits apply to vehicles operating on a public way:

A. For a 2-axle vehicle, 34,000 pounds; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. For a 3-axle vehicle or combination of vehicles, 54,000 pounds; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. For a 4-axle vehicle or combination of vehicles and, except as provided by section 2364, for single unit vehicles of 5 or more axles, 69,000 pounds; [1999, c. 2, §30 (COR).]

D. Except as provided in paragraph E, section 2354, section 2357, subsection 4 and section 2365 for combination vehicles with 5 or more axles, 80,000 pounds; and [1999, c. 2, §33 (AFF); 1999, c. 2, §32 (COR).]



E. For a combination of 3-axle truck tractor and tri-axle semitrailer, 100,000 pounds. [1999, c. 580, §6 (NEW).]

[1999, c. 2, §33 (AFF); 1999, c. 2, §30-32 (COR).]

**2. Weight reductions.** The maximum gross vehicle weight permitted for combination vehicles having:

A. Four axles is reduced by 1,000 pounds for each foot the distance is less than 18 feet between the centers of the extreme axles, excluding the steering axle, measured to the nearest foot; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Five or more axles is reduced by 2,000 pounds for each foot the distance is less than 24 feet between the centers of the extreme axles, excluding the steering axle, measured to the nearest foot. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**3. Exception.** Subsection 2 does not apply to vehicles operated on the Interstate Highway System.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**4. Axle weight limits.** The following axle weight limits apply.

A. Except as provided in section 2355, a vehicle may not be operated with a gross weight exceeding:

(1) On a single-axle unit, 22,400 pounds;

(2) On a tandem-axle unit, 38,000 pounds; or

(3) On a tri-axle unit, 48,000 pounds. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A single axle of a tandem-axle unit may not support more than 60% of the total weight supported by that tandem-axle unit, unless neither axle exceeds the weight legally allowed on a single-axle unit of that vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A single axle of a tri-axle unit may not support more than 40% of the total weight supported by that tri-axle unit. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. The maximum gross weight of a vehicle or axle may not be increased by the addition of an axle unless it supports at least 50% of the added weight permitted by its addition. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. [2003, c. 166, §11 (RP).]

[2003, c. 166, §11 (AMD).]

**5. Maximum tire weight.** A vehicle may not be operated when the load on the road surface is greater than 600 pounds per inch of tire width, manufacturer's rating, except for:

A. Farm trucks transporting potatoes directly from the fields to the place of storage or to a processing facility during the potato harvesting season; or [2005, c. 433, §21 (NEW); 2005, c. 433, §28 (AFF).]

B. A vehicle operating under an overweight permit issued pursuant to section 2381. [2005, c. 433, §21 (NEW); 2005, c. 433, §28 (AFF).]

A tractor, the propulsive power of which is exerted not through wheels resting on the ground but by means of a flexible band or chain known as a movable track, is not subject to this subsection if the portions of track in contact with the surface of the way present plane surfaces.

[ 2005, c. 433, §21 (AMD); 2005, c. 433, §28 (AFF) .]

**6. Exemption.** A vehicle modified for the purpose of plowing snow is exempt from the weight limits imposed by this chapter when engaged in or enroute to or returning from plowing snow or in ice control. A vehicle modified for the purpose of plowing snow is exempt from the maximum tire weight provisions of subsection 5 at all times. Any fire-fighting vehicle with its proper equipment that meets the National Fire Protection Association standards is exempt from the gross and axle weight limits imposed by this chapter. Any vehicle engaged in emergency maintenance of a public way is exempt from the weight limits imposed by this chapter.

[ 1997, c. 437, §44 (AMD) .]

**7. Exemption; farm vehicles transporting potatoes.** A farm vehicle transporting potatoes from the field to a storage or processing facility during the potato harvesting season is exempt from the axle weight limits and axle weight tolerance restrictions imposed by this chapter, except for the weight limits imposed under section 2355. To be eligible for this exemption, the farm vehicle must be in compliance with the gross weight limits established in this chapter and must have at least 8,000 pounds on the steering axle. This exemption does not apply on the Interstate Highway System, including that portion designated as the Maine Turnpike.

[ 1999, c. 472, §3 (NEW) .]

**8. Vehicles within maximum gross vehicle weight limits.** Notwithstanding any provision of this subchapter to the contrary, if a vehicle that exceeds axle weight limits and axle weight tolerance restrictions imposed by this subchapter by less than 5,000 pounds is within the applicable maximum gross vehicle weight limit including tolerances, the fine imposed under this subchapter is reduced by 50%.

This subsection does not apply to vehicles traveling on the Interstate Highway System except that portion of Interstate 95 designated as the Maine Turnpike.

[ 2009, c. 442, §1 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 437, §44 (AMD). RR 1999, c. 2, §33 (AFF). RR 1999, c. 2, §§30-32 (COR). 1999, c. 472, §3 (AMD). 1999, c. 580, §§5,6 (AMD). 1999, c. 580, §14 (AFF). 2003, c. 166, §11 (AMD). 2005, c. 433, §21 (AMD). 2005, c. 433, §28 (AFF). 2009, c. 442, §1 (AMD).

### §2353-A. PILOT PROJECT TO SIMPLIFY TRUCK WEIGHT LAWS (REPEALED)

#### SECTION HISTORY

2001, c. 687, §17 (NEW). MRSA T. 29-A, §2353-A, sub-§6 (RP).

### §2354. SIX-AXLE LIMITS

Notwithstanding any provision of this subchapter other than section 2354-D, a combination vehicle consisting of a 3-axle truck tractor with a tri-axle semitrailer may be operated with a maximum gross vehicle weight of: [2013, c. 565, §1 (AMD).]

**1. 90,000 pounds.**

[ 1999, c. 580, §14 (AFF); 1999, c. 580, §7 (RP) . ]

**2. 100,000 pounds.** One hundred thousand pounds, as long as the vehicle meets these requirements:

A. The distance between the extreme axles, excluding the steering axle, is not less than 36 feet as measured to the nearest foot. The maximum gross vehicle weight permitted is reduced by 2,000 pounds for each foot the distance is less than 36 feet between the extreme axles, excluding the steering axle, measured to the nearest foot; [ 2001, c. 267, §1 (AMD); 2001, c. 267, §16 (AFF) . ]

B. The minimum distance between the steering axle and the first axle of the tandem-axle group is at least 10 feet as measured to the nearest foot; and [ 2001, c. 267, §1 (AMD); 2001, c. 267, §16 (AFF) . ]

C. The maximum weight on the:

(1) Tandem axle does not exceed 41,000 pounds; and

(2) Tri-axle does not exceed 50,000 pounds. [ 1999, c. 580, §7 (AMD); 1999, c. 580, §14 (AFF) . ]

D. [ 1999, c. 580, §14 (AFF); 1999, c. 580, §7 (RP) . ]

E. [ 1999, c. 580, §14 (AFF); 1999, c. 580, §7 (RP) . ]

Nothing contained in this subsection applies to vehicles using the Interstate Highway System as defined in the Federal Aid Highway Act of 1956.

Except as provided in section 2360, subsections 4 and 5, for vehicles operating under this subsection, gross vehicle weight violations are fined in accordance with the following schedule:

Percent over 100,000 pounds	Fine for each percent
1-10%	\$100 + \$20 for each percent over 1%
11-20%	\$280 + \$125 for each percent over 10%
21-30%	\$1,530 + \$135 for each percent over 20%
31-40%	\$2,880 + \$150 for each percent over 30%
41% or more	\$4,380 + \$175 for each percent over 40%

For all vehicles manufactured, modified or retrofitted with liftable or variable load suspension axles after October 30, 1991, liftable or variable load suspension axles are permitted only under the following conditions: only one liftable or variable load axle may be present on the truck tractor and only one liftable or variable load axle may be present on the semitrailer; liftable or variable load axles must be located on the vehicle so that they are legally part of the tandem axle group or tri-axle group as appropriate; and the axle weight rating of liftable or variable load axles must conform to the expected loading of the suspension and must be 20,000 pounds or more.

## SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 580, §7 (AMD). 1999, c. 580, §14 (AFF). 2001, c. 261, §1 (AMD). 2001, c. 261, §16 (AFF). 2001, c. 267, §1 (AMD). 2001, c. 267, §16 (AFF). 2013, c. 565, §1 (AMD).

### **§2354-A. PILOT PROJECT TO ALLOW COMMERCIAL VEHICLES AT CANADIAN WEIGHT LIMITS ACCESS TO WOODLAND COMMERCIAL PARK IN BAILEYVILLE**

*(REPEALED)*

#### SECTION HISTORY

2003, c. 362, §1 (NEW). MRSA T. 29-A, §2354-A, sub-§4 (RP).

### **§2354-B. PILOT PROJECT TO ALLOW COMMERCIAL VEHICLES AT CANADIAN WEIGHT LIMITS TO TRAVEL FROM THE CANADIAN BORDER AT CALAIS TO BAILEYVILLE AND FROM THE CANADIAN BORDER AT VAN BUREN TO A RAIL YARD IN VAN BUREN**

*(REPEALED)*

#### SECTION HISTORY

2005, c. 421, §1 (NEW). 2005, c. 421, §2 (AFF). 2005, c. 664, §L1 (AMD). 2009, c. 326, §1 (AMD). MRSA T. 5, §2354-B, sub-§5 (RP).

### **§2354-C. ALLOW CERTAIN COMMERCIAL VEHICLES AT CANADIAN WEIGHT LIMITS TO TRAVEL FROM THE UNITED STATES-CANADA BORDER TO CERTAIN POINTS IN THE STATE**

**1. Canadian gross vehicle weight limits.** Notwithstanding section 2354, the Commissioner of Transportation, in consultation with the Department of Public Safety and the Department of the Secretary of State, is authorized to allow certain commercial vehicles at Canadian gross vehicle weight limits to travel from the United States-Canada border at Calais to Baileyville, from the United States-Canada border at Madawaska to a paper mill at Madawaska and from the United States-Canada border at Van Buren to a rail yard in Van Buren. Vehicles are allowed to travel from the United States-Canada border under the following conditions.

A. The only allowable routes of travel are from the United States-Canada border in Calais north on U.S. Route 1 to Access Road in Baileyville, east on Access Road to Woodland Pulp LLC mill or its successor on Main Street and north on Main Street to the former oriented strand board facility in Baileyville; from the United States-Canada border in Madawaska then directly north or south into the Twin Rivers facility or its successor in Madawaska or up Bridge Street to Mill Street in Madawaska in order to reverse direction; and from the United States-Canada border in Van Buren on Acadian Way, west to Main Street, also designated as Route 1, then north on Main Street approximately 2 miles from the border. [ 2015 , c. 119, §1 (AMD). ]

B. Allowable truck configuration is limited to:

(1) A 3-axle truck tractor with a 3-axle semitrailer at a gross vehicle weight of 108,900 pounds. The individual weight distribution maximum limits are as follows: for the steering axle, 12,375 pounds; for the drive axles, 40,500 pounds; and for the semitrailer axles, 58,500 pounds, but in no case may the total of these values exceed 108,900 pounds; and

(2) A 3-axle truck tractor with a semitrailer-semitrailer combination, configured as a B-train double with 8 axles total, at a gross vehicle weight of 137,700 pounds. The weight of the 2nd semitrailer may not exceed the weight of the first semitrailer. [2015, c. 119, §2 (AMD).]

C. Maine axle weight limits, axle group limits, commodity allowances, maximum dimensions and all other commercial vehicle limits and requirements apply, except that the B-train double overall length limit must be not greater than 82.02 feet, or 25 meters. [2015, c. 119, §2 (AMD).]

D. The manufacturer's ratings for gross vehicle weight, axle capacity, brake systems and other components for which a manufacturer's rating is available may not be exceeded. [2009, c. 326, §2 (NEW).]

E. Each truck combination allowed under this section must display a credential obtained for a fee from the Secretary of State. The fee must be established by the Commissioner of Transportation in an amount to cover related administrative costs, compliance monitoring and the additional cost of highway damage resulting from the allowance under this section calculated using accepted engineering practices. [2009, c. 326, §2 (NEW).]

F. The Commissioner of Transportation may revoke the privileges of operation under this section of trucks and trucking companies for cause, including repeatedly exceeding size and weight limits or operating outside the designated route of travel. Revocation by the Commissioner of Transportation is considered a final agency action. [2009, c. 326, §2 (NEW).]

[2015, c. 119, §§1, 2 (AMD).]

**2. Definition.** As used in this section, unless the context otherwise indicates, "B-train double" means a truck tractor-semitrailer-semitrailer combination vehicle in which the 2 trailing units are connected with a B-train assembly. The B-train assembly is a rigid frame extension attached to the rear frame of a first semitrailer that allows for a 5th wheel connection point for a 2nd semitrailer. This combination has one less articulation point than the conventional A-dolly-connected truck tractor-semitrailer-trailer combination.

[2009, c. 326, §2 (NEW).]

**3. Overlimit movement permits.** As provided in section 2382, the Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to commercial vehicles at Canadian gross vehicle weight limits operating under the requirements of this section. The Secretary of State shall adopt rules to implement this section in consultation with the Department of Transportation and the Department of Public Safety. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2015, c. 1, §34 (COR).]

**4. Monitor; report.** The Department of Transportation shall monitor and evaluate the effects of the allowance under this section on road conditions. The Commissioner of Transportation shall submit an initial report to the joint standing committee of the Legislature having jurisdiction over transportation matters for presentation to the Second Regular Session of the 126th Legislature and a final report to the First Regular Session of the 129th Legislature. The report must include any findings regarding the effects on road conditions and recommendations for continuance, discontinuance or modification of the allowance under this section.

[2009, c. 326, §2 (NEW).]

#### SECTION HISTORY

2009, c. 326, §2 (NEW). 2011, c. 356, §22 (AMD). RR 2015, c. 1, §34 (COR). 2015, c. 119, §§1, 2 (AMD).

## **§2354-D. ALLOW CERTAIN COMMERCIAL MOTOR VEHICLES THAT EXCEED WEIGHT LIMITS AND VEHICLE DIMENSION STANDARDS TO OPERATE ON A DESIGNATED ROUTE OF TRAVEL**

**1. Commissioner may allow certain commercial motor vehicles that exceed weight limits and vehicle dimension standards.** The Commissioner of Transportation, in consultation with the Department of Public Safety and the Department of the Secretary of State, may allow a specified commercial motor vehicle configuration with any number of axles that would otherwise be in violation of the provisions in this chapter regarding operational weight limits, gross vehicle weights, axle weights, tire weights or vehicle dimensions to operate on a specified route of travel over public ways if:

A. The department receives a proposal from an entity seeking an allowance to operate a specified commercial motor vehicle configuration pursuant to this subsection on a specified route of travel; [ 2013, c. 565, §2 (NEW) . ]

B. The chief engineer of the department, as appointed in accordance with Title 23, section 201, finds the proposed configuration and weight can be safely operated on the proposed route of travel. In making this finding, the chief engineer may consider available manufacturer's ratings for gross vehicle weight, axle capacity, brake systems and other components. The chief engineer may place such restrictions on operations as are necessary to ensure public safety; [ 2013, c. 565, §2 (NEW) . ]

C. The chief engineer of the department, as appointed in accordance with Title 23, section 201, finds that the public ways and bridge infrastructure affected by the proposed route of travel can withstand, or can be improved and maintained to withstand, the proposed configuration and weight. The improvements necessary may include initial capital improvements and future maintenance or capital improvements; and [ 2013, c. 565, §2 (NEW) . ]

D. The department receives satisfactory assurance that at least 50% of the cost of any infrastructure assessment and at least 50% of the cost for any infrastructure improvements determined necessary pursuant to paragraph C will be provided by the entity seeking the allowance. The department may provide the balance of funding, if feasible. [ 2013, c. 565, §2 (NEW) . ]

[ 2015, c. 119, §3 (AMD) . ]

**2. Rules.** The Commissioner of Transportation, in consultation with the Department of Public Safety and the Department of the Secretary of State, shall adopt rules to implement this section. The rules must include appropriate mechanisms to ensure that, prior to giving an allowance to operate a commercial motor vehicle pursuant to this section on a route of travel that includes a public way that traverses a municipality, unorganized or deorganized area in a county or a reservation or trust land of a federally recognized Indian tribe in this State, appropriate input from or approval of the municipality, county or federally recognized Indian tribe is obtained. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2013, c. 565, §2 (NEW) . ]

**3. Report.** Beginning February 1, 2017, and biennially thereafter, the Commissioner of Transportation shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters on the implementation of this section. The report must include the number of proposals received by the department, including how many were authorized; the reasons any proposals were not authorized or did not move forward; the costs incurred by the department; the amount of funds provided by relevant entities or funding sources other than the department; any infrastructure improvements made to accommodate proposals; the designated routes of travel allowed; the allowed configurations on these designated routes; and the gross vehicle weights allowed.

[ 2013, c. 565, §2 (NEW) . ]

**4. Commissioner may revoke privileges of operation.** The Commissioner of Transportation may revoke the privileges of operation under this section of a commercial motor vehicle and the associated entity that sought the allowance under this section for cause, including repeatedly exceeding allowed gross vehicle weight limits or operating outside the allowed designated route of travel. Revocation by the commissioner is considered a final agency action.

[ 2013, c. 565, §2 (NEW) .]

**5. Exclusion.** Nothing contained in this section applies to the Interstate Highway System as defined in the Federal Aid Highway Act of 1956.

[ 2013, c. 565, §2 (NEW) .]

#### SECTION HISTORY

2013, c. 565, §2 (NEW). 2015, c. 119, §3 (AMD).

### **§2354-E. ALLOW CERTAIN COMMERCIAL VEHICLES WITH 7-AXLE CONFIGURATION TO TRAVEL FROM THE UNITED STATES-CANADA BORDER TO CERTAIN POINTS IN THE STATE**

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

*(WHOLE SECTION TEXT EFFECTIVE ON CONTINGENCY: See PL 2015, c. 119, §6)*

*(WHOLE SECTION TEXT REPEALED 1/1/18)*

**1. Canadian gross vehicle weight limits.** Notwithstanding section 2354, the Commissioner of Transportation, in consultation with the Department of Public Safety and the Department of the Secretary of State, is authorized to allow certain commercial vehicles at Canadian gross vehicle weight limits to travel from the United States-Canada border in Calais to Baileyville under the following conditions.

A. The only allowable routes of travel are from the United States-Canada border in Calais north on U.S. Route 1 to Access Road in Baileyville, east on Access Road to Woodland Pulp LLC mill or its successor on Main Street and north on Main Street to the former oriented strand board facility in Baileyville.

[ 2015, c. 119, §4 (NEW); 2015, c. 119, §6 (AFF) .]

B. The allowable truck configuration is limited to a 3-axle truck tractor with a 4-axle semitrailer at a gross vehicle weight of 113,800 pounds. The individual weight distribution maximum limits are as follows: for the steering axle, 12,375 pounds; for the drive axles, 40,500 pounds; and for the semitrailer axles, 72,000 pounds, but in no case may the total of these values exceed 113,800 pounds. [ 2015, c. 119, §4 (NEW); 2015, c. 119, §6 (AFF) .]

C. Maine axle weight limits, axle group limits, commodity allowances, maximum dimensions and all other commercial vehicle limits and requirements apply, and the 4-axle semitrailer length limit must be not greater than 53.15 feet, or 16.2 meters. [ 2015, c. 119, §4 (NEW); 2015, c. 119, §6 (AFF) .]

D. The manufacturer's ratings for gross vehicle weight, axle capacity, brake systems and other components for which a manufacturer's rating is available may not be exceeded. [ 2015, c. 119, §4 (NEW); 2015, c. 119, §6 (AFF) .]

E. Each truck combination allowed under this section must display a credential obtained for a fee from the Secretary of State. The fee must be established by the Commissioner of Transportation in an amount to cover related administrative costs, compliance monitoring and the additional cost of highway damage resulting from the allowance under this section calculated using accepted engineering practices. [ 2015, c. 119, §4 (NEW); 2015, c. 119, §6 (AFF) .]

[ 2015, c. 119, §4 (NEW); 2015, c. 119, §6 (AFF) .]

**2. Overlimit movement permits.** As provided in section 2382, the Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to commercial vehicles at Canadian gross vehicle weight limits operating under the requirements of this section. The Secretary of State shall adopt rules to implement this section in consultation with the Department of Transportation and the Department of Public Safety. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2015, c. 119, §4 (NEW); 2015, c. 119, §6 (AFF) .]

**3. Revocation of privileges.** The Commissioner of Transportation may revoke the privileges of operation under this section of trucks and trucking companies for cause, including repeatedly exceeding size and weight limits or operating outside the designated route of travel. Revocation by the Commissioner of Transportation is considered a final agency action.

[ 2015, c. 119, §4 (NEW); 2015, c. 119, §6 (AFF) .]

**4. Repeal.** This section is repealed January 1, 2018.

[ 2015, c. 119, §4 (NEW); 2015, c. 119, §6 (AFF) .]

#### SECTION HISTORY

2015, c. 119, §4 (NEW). 2015, c. 119, §6 (AFF).

## §2355. INTERSTATE HIGHWAY SYSTEM WEIGHT LIMITS

**1. Maximum weight.** Notwithstanding section 2353, subsections 1 and 2, a vehicle may be operated on the Interstate Highway System with maximum weights permitted by this subsection if the weight does not exceed 80,000 pounds or the following formula, whichever is less.

$$W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right)$$

W = overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds

L = overall distance in feet between the extreme of any group of 2 or more consecutive axles

N = number of axles in group under consideration.

**2. Axle limits.** Notwithstanding sections 2353 and 2357, on the Interstate Highway System, the weight may not exceed:

A. On a single-axle unit:

(1) When the GVW is 73,280 pounds or less, 22,000 pounds; or

(2) When the GVW exceeds 73,280 pounds, 20,000 pounds; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. On a tandem-axle unit, 34,000 pounds; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. On axles groups containing 2 or more axles, the maximum determined by the formula in subsection 1. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]



**3. Three-axle truck.** A 3-axle truck with brakes on all wheels, with a GVW of 48,000 pounds or less, may be operated on the Interstate Highway System when hauling:

A. Forest products or raw ore from the mine or quarry to a place of processing, with a distance between extreme axles of not less than 18 feet; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Construction materials, with a distance between extreme axles of not less than 16 feet. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1993, c. 683, Pt. A, §2 (NEW). 1993, c. 683, Pt. B, §5 (AFF).

### §2355-A. SIX-AXLE TRUCK WEIGHT PILOT PROJECT

Notwithstanding any other provision of this subchapter to the contrary, for as long as the provisions of 23 United States Code, Section 127 (a) (11) affording an exemption from the federal vehicle weight limitations for vehicles operating on all portions of the interstate system are in effect, a 6-axle combination vehicle consisting of a 3-axle truck tractor with a tri-axle semitrailer having a maximum gross vehicle weight of 100,000 pounds may be operated on any portion of the interstate system consistent with this subchapter as it applies to the Maine Turnpike. [2009, c. 469, §1 (NEW); 2009, c. 469, §2 (AFF).]

For the purposes of this section, "interstate system" has the same meaning as in Title 23, section 1903, subsection 3. [2009, c. 469, §1 (NEW); 2009, c. 469, §2 (AFF).]

#### SECTION HISTORY

2009, c. 469, §1 (NEW). 2009, c. 469, §2 (AFF).

### §2355-B. EXEMPTION FOR WEIGHT, AXLE AND CONFIGURATION LIMITS ON INTERSTATE SYSTEM

Notwithstanding the weight, axle and configuration limits specified in section 2355, subsections 1 to 3, for as long as the provisions of 23 United States Code, Section 127(a)(11) affording an exemption from the federal vehicle weight limitations for vehicles operating on all portions of the interstate system are in effect, the Commissioner of Transportation, by rule, may allow the operation of a vehicle on the interstate system if the vehicle complies with the provisions of this chapter applicable to the operation of vehicles on public ways other than the interstate system. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. As used in this section, "interstate system" has the same meaning as in Title 23, section 1903, subsection 3. [2011, c. 482, §1 (NEW).]

#### SECTION HISTORY

2011, c. 482, §1 (NEW).

### §2356. OPERATION OF A VEHICLE EXCEEDING REGISTERED WEIGHT

**1. Operation prohibited.** A person commits a traffic infraction if that person operates or causes operation of a vehicle in excess of its registered weight on a public way.

[ 2001, c. 267, §2 (AMD); 2001, c. 267, §16 (AFF) .]

**2. Prima facie evidence.** Operation of a vehicle is prima facie evidence that the operation was caused by the vehicle registrant.

[ 2001, c. 267, §2 (AMD); 2001, c. 267, §16 (AFF) .]

**3. Exception.**

[ 2001, c. 267, §16 (AFF); 2001, c. 267, §3 (RP) .]

**4. Penalty.** Notwithstanding Title 17-A, section 4-B, the fine for a violation of subsection 1 is twice the difference in the registration fees for the actual weight and the registered weight of the vehicle. The minimum fine for a violation of this section is \$25.

[ 2001, c. 267, §4 (AMD); 2001, c. 267, §16 (AFF) .]

**5. Reduced penalty.**

[ 2001, c. 267, §16 (AFF); 2001, c. 267, §5 (RP) .]

**6. Private ways exempted.** This section does not apply to operating on private ways.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Notice of failure to appear or noncompliance with orders.** If a person after being ordered to appear to answer a violation fails to appear or after appearing fails to comply with an order issued pursuant to this section, the court shall notify the Secretary of State.

[ 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §8 (NEW); 1995, c. 65, Pt. C, §15 (AFF) .]

**8. Suspension of registrations.** After receiving notice pursuant to subsection 7, the Secretary of State shall suspend the person's registration certificates and plates and the privilege to operate a motor vehicle in this State. The suspension remains in effect until the person appears in court and complies with a court order.

[ 2015, c. 473, §18 (AMD) .]

**9. Subsequent violation.** A person issued a summons for violating this section does not commit a subsequent violation of this section involving the same vehicle and same load until the next business day.

[ 2007, c. 383, §27 (NEW) .]

SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §§C7,8 (AMD). 1995, c. 65, §§A153,C15 (AFF). 2001, c. 267, §§2-5 (AMD). 2001, c. 267, §16 (AFF). 2007, c. 383, §27 (AMD). 2009, c. 598, §39 (AMD). 2015, c. 473, §18 (AMD).

## §2357. WEIGHT TOLERANCE FOR CERTAIN VEHICLES

**1. Vehicles included.** The following vehicles qualify for the weight tolerances of this section:

A. A vehicle loaded entirely with building materials that absorb moisture during delivery, bark, sawdust, firewood, sawed lumber, dimension lumber, pulpwood, wood chips, logs, soil, unconsolidated rock material including limestone, bolts, farm produce, road salt, manufacturer's concrete products, solid waste or incinerator ash; [2011, c. 556, §21 (AMD) .]

B. Dump trucks or transit-mix concrete trucks, carrying highway construction materials; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A vehicle loaded with a majority of products requiring refrigeration, whether by ice or mechanical equipment; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. A vehicle loaded with raw ore from the mine or quarry to a place of processing. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2011, c. 556, §21 (AMD) .]

**2. Tolerance.** A vehicle qualifying under this section is not in violation if its gross vehicle weight does not exceed 110% of the maximum gross vehicle weight established in section 2353, subsection 1 and the maximum axle loads do not exceed:

A. For a single-axle unit, 24,200 pounds; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. For a tandem-axle unit, 46,000 pounds; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. For a tri-axle unit, 54,000 pounds; [2007, c. 652, §1 (AMD).]

D. On the tri-axle unit of a 4-axle single-unit vehicle hauling forest products, 64,000 pounds; and [2007, c. 652, §2 (AMD).]

E. On the tri-axle unit of a 4-axle single-unit vehicle registered as a farm truck under section 505 and hauling potatoes, 64,000 pounds. [2013, c. 195, §1 (AMD).]

[ 2013, c. 195, §1 (AMD) .]

**3. Axle limits.** Notwithstanding subsection 2, the tandem-axle unit limit for a vehicle with a combination of 5 or more axles may not exceed 44,000 pounds.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Six-axle combination.** Notwithstanding subsection 2, a 6-axle combination vehicle consisting of a 3-axle truck tractor operating in combination with a tri-axle semitrailer may not exceed 100,000 pounds. The distance between the extreme axles of a vehicle under this subsection, excluding the steering axle, must be at least 32 feet and the vehicle must be registered for at least 90,000 pounds. The maximum gross vehicle weight permitted is reduced by 2,000 pounds for each foot the distance is less than 32 feet between the extreme axles, excluding the steering axle, measured to the nearest foot.

[ 2003, c. 166, §12 (AMD) .]

**5. Application.** The tolerances provided under this section only apply when a vehicle:

A. Is actually transporting the listed commodities; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Is registered for at least the maximum legal weight for its configuration allowed under section 2353. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Seals.** If a seal is required on a vehicle, the State Police shall record the numbers of the old seal and the new seal.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Penalty calculation; fine base and fine schedule.** When a weight tolerance established in this section is exceeded, the difference between the actual weight and the fine base for the tolerance must be used as the basis for determining the percentage of overload in the appropriate fine schedule and the tolerance must be disregarded. For a 6-axle combination vehicle described in subsection 4 that is registered for 100,000 pounds, the fine base for the gross vehicle weight is 100,000 pounds and the fine schedule in section 2354 applies. For a 6-axle combination vehicle described in subsection 4 that is registered for less than 100,000 pounds, the fine base for gross vehicle weight is 90,000 pounds and the fine schedule in section 2360 applies. For all other vehicles operating under the gross vehicle weight tolerances in subsection 2, except as provided in subsection 9, and for all vehicles operating under the axle unit weight tolerances in subsection 2, the fine base is the appropriate limit in section 2353 and the fine schedule in section 2360 applies.

[ 2005, c. 426, §1 (AMD); 2007, c. 453, §2 (AFF) .]

**8. Interstate Highway System.** This section does not apply to a vehicle operated on the Interstate Highway System.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**9. Penalty calculation; tandem axle fine base for 6-axle special commodity vehicles registered for 100,000 pounds gross weight.** For a 6-axle tractor-semitrailer vehicle registered for 100,000 pounds gross weight hauling special commodities with a tandem axle weight for which a Violation Summons and Complaint may be issued, the tandem axle weight fine provided by section 2360 must be based on the difference between the tandem axle weight and 41,000 pounds.

[ 2005, c. 426, §2 (NEW); 2007, c. 453, §2 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 580, §8 (AMD). 1999, c. 580, §14 (AFF). 2001, c. 513, §1 (AMD). 2003, c. 166, §12 (AMD). 2005, c. 426, §§1,2 (AMD). 2005, c. 426, §6 (AFF). 2007, c. 453, §2 (AFF). 2007, c. 652, §§1-3 (AMD). 2011, c. 556, §21 (AMD). 2013, c. 195, §1 (AMD).

## §2358. WEIGHING OF VEHICLES

A state police officer may require a motor vehicle or combination of vehicles described in this chapter to stop and submit to weighing. The following provisions apply to the weighing of vehicles. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Travel to scales.** If scales are not available, the officer may require that an operator of a vehicle go to the nearest location capable of weighing the vehicle, if the travel does not increase by more than 5 miles the distance that the operator may travel to reach the operator's destination.

[ 1995, c. 584, Pt. A, §4 (AMD) .]

**2. Weighing points.** The Chief of the State Police, or a person designated by the chief, may designate weighing points.

A weighing point must have signs:

A. Not less than 500 feet from approaching traffic; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Bearing the words "State Police Commercial Vehicle Check - All Trucks and Buses Stop"; [2009, c. 251, §15 (AMD).]

C. Displaying flashing yellow lights, which must operate when the weighing station is open; and  
[ 2001, c. 687, §18 (AMD) . ]

D. Directing operators of vehicles subject to the GVW restrictions to the weighing point if the weighing point is located on a way that intersects the way where the sign is located. [ 2001, c. 687, §19 (NEW) . ]

The placement of signs is prima facie evidence that these signs were displayed in accordance with this section.

An operator of a bus or truck with a registered weight or gross vehicle weight rating greater than 10,000 pounds or subject to the Federal Motor Carrier Safety Administration regulations who fails to stop at the weighing point when the signs are operating, unless otherwise directed by a state police officer, commits a traffic infraction for which a fine not to exceed \$500 may be adjudged.

[ 2009, c. 251, §15 (AMD) . ]

**3. Designating officers.** The Chief of the State Police may designate certain state police officers to examine loads and replace seals as provided by this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**4. Required stops.** On direction of a state police officer, an operator must drive the vehicle onto the scales for weighing and permit examination of the registration certificate and the load.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**5. Seals.** When examination requires the breaking of a seal previously placed on a vehicle, a new seal must be placed on it.

The officer shall make a complete record and forward it to the Chief of the State Police.

[ 2003, c. 340, §11 (AMD) . ]

**6. Unloading excess.** When an officer determines that a vehicle exceeds the permitted weight, the officer must require the operator to stop the vehicle in a designated place.

The vehicle may not proceed until the operator has reduced the weight to permitted limits; except that if the excess weight does not exceed 2,000 pounds, an officer may permit the vehicle to proceed without unloading. The officer may summons the owner or driver of that vehicle.

An officer, the State or a political subdivision is not responsible for loss or damage to a vehicle or its contents as a result of unloading.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**7. Out-of-service sticker.** If the weight exceeds the maximum allowable gross vehicle weight by 20% or more, the officer shall affix an out-of-service sticker to the windshield until the vehicle is brought into compliance.

The vehicle may not be moved until it is brought into compliance.

When a vehicle is brought into compliance, an officer may attest to compliance by signing the out-of-service sticker.

A. A person who moves a vehicle with an out-of-service sticker that has not been signed by an officer attesting to compliance commits a Class E crime. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [ 2003, c. 452, Pt. Q, §65 (NEW); 2003, c. 452, Pt. X, §2 (AFF) . ]

B. An owner or operator who fails to have the out-of-service sticker attested or who fails to return the attested sticker or portion to the Bureau of State Police within 15 days of issuance commits a traffic infraction. [2003, c. 452, Pt. Q, §65 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. Q, §65 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**8. Allowable movement.** Notwithstanding this section, a state police officer may allow a vehicle to be operated a reasonable distance to a more appropriate location for unloading or parking.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### 9. Fees.

[ 2007, c. 383, §28 (RP) .]

### 10. Records.

[ 2005, c. 314, §13 (RP) .]

**11. Unsecured load.** If a state police officer requires a vehicle to stop and submit to weighing pursuant to this section and that vehicle is carrying a load, the officer shall check to ensure that the load is secure pursuant to section 2396, subsection 2.

[ 2001, c. 144, §1 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 584, §A4 (AMD). 2001, c. 144, §1 (AMD). 2001, c. 687, §§18,19 (AMD). 2003, c. 340, §11 (AMD). 2003, c. 452, §Q65 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 314, §13 (AMD). 2007, c. 383, §28 (AMD). 2009, c. 251, §15 (AMD).

## §2359. PRIMA FACIE EVIDENCE

For the purposes of this Title, weights as indicated by a stationary or portable scale approved by the Department of Transportation and tested within 12 calendar months prior to the time of use by a person and method approved by the Department of Transportation are considered accurate. [2013, c. 588, Pt. A, §39 (AMD).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2013, c. 588, Pt. A, §39 (AMD).

## §2360. EXCESS VEHICLE WEIGHT

**1. Violation of weight provision.** A person who operates or causes operation of a motor vehicle in violation of a weight provision for any axle or group of axles or gross vehicle weight commits a traffic infraction if the vehicle is:

A. One percent to 10% over allowed basic weight; [2003, c. 452, Pt. Q, §66 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Eleven percent to 20% over allowed basic weight; [2003, c. 452, Pt. Q, §66 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. Twenty-one percent to 30% over allowed basic weight; [2003, c. 452, Pt. Q, §66 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

D. Thirty-one percent to 40% over allowed basic weight; [2003, c. 452, Pt. Q, §66 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

E. Forty-one percent to 50% over allowed basic weight; or [2003, c. 452, Pt. Q, §66 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

F. More than 50% over allowed basic weight. [2003, c. 452, Pt. Q, §66 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. Q, §66 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Penalty.** Notwithstanding section 101, subsection 85, a person who is guilty of excessive vehicle weight must be punished by a fine in accordance with this section. When both gross and axle weight limits are exceeded, the penalty imposed must be for the violation that results in the higher fine except that, for a violation of section 2355, a minimum fine must also be imposed for any other applicable violation of section 2355 in accordance with subsection 9.

[ 1995, c. 546, §1 (AMD) .]

**3. Schedule of fines.** Except as provided in section 2354, subsection 2, the fine must be based on the amount of gross vehicle weight or axle weight in excess of the limits prescribed in sections 2352 to 2355, 2357 or 2365, as appropriate.

This schedule is cumulative:

Percent over allowed basic weight	Fine for each percent
1-10%	\$10 for each percent
11-20%	\$100 + \$65 for each percent over 10%
21-30%	\$750 + \$75 for each percent over 20%
31-40%	\$1,500 + \$105 for each percent over 30%
41-50%	\$2,550 + \$140 for each percent over 40%
more than 50%	\$3,950 + \$180 for each percent over 50%

[ 2001, c. 267, §6 (AMD); 2001, c. 267, §16 (AFF) .]

**4. Minor gross weight violations.** The fine is waived and a Violation Summons and Complaint is not issued if the allowable gross vehicle weight is exceeded by less than 500 pounds multiplied by the number of axles less one. If the allowable gross weight is exceeded by more than 500 but less than 1,000 pounds multiplied by the number of axles less one, the fine is reduced by 50%.

[ 1995, c. 584, Pt. A, §5 (AMD) .]

**5. Minor axle weight violations.** The fine is waived and a Violation Summons and Complaint is not issued if the allowable weight on an axle or group of axles is exceeded by less than 1,000 pounds. If the excess is less than 1,000 pounds plus 500 pounds multiplied by the number of axles in the axle group, the fine is reduced by 66%. If the excess is less than 1,000 pounds plus 1,000 pounds multiplied by the number of axles in the axle group, the fine is reduced by 50%.

[ 1995, c. 584, Pt. A, §5 (AMD) .]

**6. Axle overweight not exceeding 5%.** The fine is waived and a Violation Summons and Complaint is not issued if, before any redistribution of load under subsection 7, the gross vehicle weight is not exceeded and the weight of a single-axle unit, tandem-axle unit or tri-axle unit is not more than 105% of the allowable weight for that axle unit.

[ 1995, c. 584, Pt. A, §5 (AMD) .]

**7. Redistribution of load.** Notwithstanding subsections 1 to 6, when an officer determines that a vehicle that is within the gross vehicle weight limit is in violation of an axle weight limit, the officer shall permit the operator to redistribute the load once before proceeding. If redistribution brings the vehicle into compliance with axle limits, then the fine is reduced as follows:

A. If the violation is less than 2,000 pounds, no penalty; and [ 2009, c. 442, §2 (AMD) .]

B. If the violation is less than 3,000 pounds, by 66%. [ 2009, c. 442, §2 (AMD) .]

C. [ 2009, c. 442, §2 (RP) .]

[ 2009, c. 442, §2 (AMD) .]

**8. Multiple reductions.** If multiple waivers or reductions of fines may apply, the subsection that gives the smallest fine applies. Reductions may not be combined.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**9. Minimum fine.** For a vehicle using the Interstate Highway System, the minimum fine for a gross vehicle weight or axle weight violation is \$60, which may not be waived, and cost of court. For a vehicle on all other highways, the minimum fine for a gross vehicle weight or axle weight violation is \$30.

[ 2001, c. 267, §7 (AMD); 2001, c. 267, §16 (AFF) .]

**10. Application.** Subsections 4 to 7 do not apply to travel on the Interstate Highway System.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**11. Prima facie evidence.** Operation of a vehicle is prima facie evidence that the operation was caused by the person acting as a motor carrier as determined by the United States Department of Transportation census number.

[ 2009, c. 598, §40 (AMD) .]

**12. Exception.**

[ 2009, c. 598, §41 (RP) .]

**13. Notice of failure to appear or noncompliance with orders.** If a person after being ordered to appear to answer a violation fails to appear or after appearing fails to comply with an order issued pursuant to this section, the court shall notify the Secretary of State.

[ 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §10 (NEW); 1995, c. 65, Pt. C, §15 (AFF) .]



**14. Suspension of registrations.** After receiving notice pursuant to subsection 13, the Secretary of State shall suspend the person's commercial registration certificates and plates and the privilege to operate a commercial motor vehicle in this State. The suspension remains in effect until the person appears in court and complies with a court order.

[ 2009, c. 598, §42 (AMD) .]

**15. Portable scale allowance factor.** For vehicles operating on the Interstate Highway System it is not a violation if the gross vehicle weight or axle weights measured by portable scales approved by the Department of Transportation do not exceed 104% of the allowable weights provided by section 2355, subsections 1 and 2.

[ 1995, c. 517, §1 (NEW) .]

**16. Exception to fine schedule for special commodities tandem axle and tri-axle.** Notwithstanding subsections 3 and 5, the following fines are imposed.

A. For a 4-axle single unit vehicle hauling special commodities other than forest products with a tri-axle weight for which a Violation Summons and Complaint may be issued, but which is less than 58,200 pounds, the fine is \$150. [2001, c. 267, §8 (NEW); 2001, c. 267, §16 (AFF).]

B. For a 3-axle single unit vehicle hauling special commodities other than forest products with a tandem weight for which a Violation Summons and Complaint may be issued, but which is less than 49,300 pounds, the fine is \$315. [2001, c. 267, §8 (NEW); 2001, c. 267, §16 (AFF).]

C. For a 5-axle or 6-axle tractor-semitrailer vehicle registered for less than 100,000 pounds gross weight hauling special commodities with a tandem axle weight of at least 47,000 pounds but not more than 48,260 pounds for which a Violation Summons and Complaint may be issued, the fine is \$731 plus \$136 for every 315 pounds over 47,000 pounds. Subsections 3 and 5 apply to tandem axle weights of less than 47,000 pounds or exceeding 48,260 pounds. [2005, c. 426, §3 (NEW); 2007, c. 453, §2 (AFF) .]

[ 2005, c. 426, §3 (NEW); 2007, c. 453, §2 (AFF) .]

**17. Exception to fine schedule for forest products tri-axle.** Notwithstanding subsections 3 and 5, for a 4-axle single unit vehicle hauling forest products with a tri-axle weight for which a Violation Summons and Complaint may be issued, but which is less than 66,500 pounds, the fine is \$220. If the tri-axle weight is at least 66,500 pounds, but is less than 70,560 pounds, the fine is \$634 plus \$414 for every 580 pounds over 66,500 pounds. Subsection 3 applies to tri-axle weights of 70,560 pounds or more.

[ 2005, c. 426, §3 (AMD); 2007, c. 453, §2 (AFF) .]

**18. Exception to fine schedule for vehicle auxiliary power units.** For a heavy duty vehicle equipped with an auxiliary power unit, the gross vehicle weight or axle weight used to determine the fine for a violation under this section is the actual gross vehicle weight or axle weight reduced by 400 pounds.

[ 2009, c. 3, §3 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). RR 1995, c. 2, §72 (COR). 1995, c. 65, §§C9,10 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 517, §1 (AMD). 1995, c. 546, §1 (AMD). 1995, c. 584, §A5 (AMD). 1999, c. 580, §9 (AMD). 2001, c. 267, §§6-8 (AMD). 2001, c. 267, §16 (AFF). 2003, c. 452, §Q66 (AMD). 2003, c. 452, §X2 (AFF).

2005, c. 426, §§3,4 (AMD). 2005, c. 426, §6 (AFF). 2007, c. 453, §2 (AFF). 2009, c. 3, §3 (AMD). 2009, c. 442, §2 (AMD). 2009, c. 598, §§40-42 (AMD).

## §2360-A. EXCEPTION TO AXLE FINES DURING THE MIDWINTER SEASON

**1. Axle fines waived; midwinter season.** The fine is waived and the Violation Summons and Complaint is not issued for violations of axle and axle group weight limits or tolerances provided by sections 2352, 2353, 2354, 2354-A, 2357, 2364 and 2365 for vehicles traveling during the months of January and February.

[ 2005, c. 426, §5 (NEW); 2007, c. 453, §2 (AFF) .]

**2. Exceptions.** This section does not apply to:

A. Vehicles traveling on the Interstate Highway System, including the portion of the Maine Turnpike designated Interstate 95 and that portion of Interstate 95 from the southern terminus of the Maine Turnpike to the New Hampshire state line; or [ 2005, c. 426, §5 (NEW); 2007, c. 453, §2 (AFF) .]

B. Vehicles traveling on ways restricted under the provisions of section 2395. [ 2005, c. 426, §5 (NEW); 2007, c. 453, §2 (AFF) .]

[ 2005, c. 426, §5 (NEW); 2007, c. 453, §2 (AFF) .]

**3. Repeal.**

[ 2011, c. 86, §1 (RP) .]

### SECTION HISTORY

2005, c. 426, §5 (NEW). 2005, c. 426, §6 (AFF). 2007, c. 453, §1 (AMD). 2007, c. 453, §2 (AFF). 2009, c. 444, §1 (AMD). 2011, c. 86, §1 (AMD).

## §2361. AGGRAVATED EXCESSIVE VEHICLE WEIGHT VIOLATIONS

*(REPEALED)*

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A111 (AMD). 1995, c. 65, §§A153,C15 (AFF). 2001, c. 267, §16 (AFF). 2001, c. 267, §9 (RP).

## §2361-A. AGGRAVATED GROSS WEIGHT VIOLATIONS

The operation of a vehicle exceeding the maximum allowable gross vehicle weight by 20% or more is an aggravated gross weight violation. The penalty for an aggravated gross weight violation is the fine established in section 2360, subsection 3. [ 2001, c. 267, §10 (NEW); 2001, c. 267, §16 (AFF) .]

### SECTION HISTORY

2001, c. 267, §10 (NEW). 2001, c. 267, §16 (AFF).

## §2362. REPEAT OFFENDER

*(REPEALED)*

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 546, §2 (AMD). 2001, c. 267, §16 (AFF). 2001, c. 267, §11 (RP).

## §2363. REFUSAL TO PERMIT WEIGHING

**1. Violation.** An operator or owner commits a Class E crime if that person refuses to permit the weighing of a vehicle as provided in this subchapter.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Fine.** Notwithstanding Title 17-A, a fine of not more than \$1,500 may be imposed. The fine accrues to the Highway Fund.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2364. SIX-AXLE SINGLE UNIT TRUCK

A 6-axle single unit truck may be operated, or caused to be operated, if: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. General road limit.** The general road limit for this vehicle is:

A. When the vehicle operates as a 3-axle single unit vehicle, 54,000 pounds gross vehicle weight; [2003, c. 452, Pt. Q, §67 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. When the vehicle operates as a 4-axle or 5-axle single unit vehicle, 69,000 pounds gross vehicle weight; and [2003, c. 452, Pt. Q, §67 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. When the vehicle operates as a 6-axle single unit vehicle, 77,200 pounds gross vehicle weight; [2003, c. 452, Pt. Q, §67 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. Q, §67 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Axle distance.** Axle distances as measured from axle center to axle center, numbering the axles beginning with the steering axle and moving rearward on the vehicle, are as follows:

Axle to axle	At least	But not more than
Steering to axle 2	13 ft. 7 in.	14 ft. 1 in.
Axle 2 to axle 3	4 ft. 3 in.	4 ft. 9 in.
Axle 3 to axle 4	4 ft.	5 ft. 3 in.
Axle 4 to axle 5	4 ft.	3 in. 4 ft. 9 in.
Axle 5 to axle 6	5 ft.	5 ft. 6 in.
Steering to axle 6	Not applicable	32 ft. 10 in.

The distance between the front bumper and the rear bumper of the vehicle may not exceed 41 feet;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Lifiable axles.** Axles 2, 5 and 6 of the vehicle may be liftable axles. Axles 2 and 6 must be self-steering axles of a type that has been approved by the Department of Transportation;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Four-tired axles.** All axles must be 4-tired axles except the steering axle and axle 2;

[ 1993, c. 2, §24 (COR) .]

**5. Certified weight capacity.** All brakes, axles and suspensions must be certified with respect to weight capacity by a final stage manufacturer. The final stage manufacturer must also certify that the vehicle's axle spacings and interlock devices met the requirements of this paragraph at the time of manufacture. The certification must be filed with the Secretary of State on forms prescribed by the Secretary of State. A copy of the certification must be carried in the vehicle at all times;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Operation as a 3-axle single unit vehicle.** When operating as a 3-axle single unit vehicle:

A. All provisions of this Title appropriate for a 3-axle single unit truck with rear tandem axle apply; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. When commodities permitted by section 2357 are carried, gross weight and axle weights must be those specified for 3-axle vehicles for the specific commodities carried; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The basic weight used to calculate fines is a gross vehicle weight road limit of 54,000 pounds or the axle weight limits provided by this section, as appropriate. If there are 2 or more weight violations, only the largest fine applies; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Operation as a 4-axle or 5-axle single unit vehicle.** When operating as a 4-axle or 5-axle single unit vehicle:

A. Axle 5 must be fully lowered and in contact with the ground at all times; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. All provisions of this Title appropriate for a 4-axle single unit truck with rear tri-axle apply, using the tri-axle group limits for axles 2 to 5; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. When commodities permitted by section 2357 are carried, gross weight and axle weights are those specified for 4-axle or 5-axle vehicles for the specific commodities carried, as appropriate; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. The basic weight used to calculate fines is a gross vehicle weight road limit of 69,000 pounds or the axle weight limits provided by this section, as appropriate. If there are 2 or more weight violations, only the largest fine applies; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Operation as a 6-axle single unit vehicle.** When operating a 6-axle single unit vehicle:

A. The vehicle must be registered for at least 77,200 pounds; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Only forest products may be carried; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. All liftable axles must be in contact with the ground except that axles 2 and 6 may be temporarily lifted when necessary during cornering operations. Immediately following this cornering operation, the axles must be lowered to full contact with the ground. Axles 2 and 6, if liftable, must be fitted with

interlock devices that prevent the operator from lifting the axle or axles when the vehicle speed exceeds 15 miles per hour. The devices must be designed to permit the axle-lifting operation only in the low range in a 2-range transmission or in either the low or medium range in a 3-range transmission. The devices must also be designed to automatically lower axles 2 and 6 to normal contact with the ground when the transmission is shifted from the applicable ranges under this division; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. The maximum permitted gross vehicle weight is 85,000 pounds; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. The maximum weight of the steering axle may not exceed 15,600 pounds and the maximum weight of each of the other axles of the vehicle may not exceed 15,000 pounds; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. The following forgiveness provisions are granted on the gross vehicle weight and axle weight limits:

Gross vehicle weight	
85,001 lbs. to 87,499 lbs.	Fine waived
87,500 lbs. to 89,999 lbs.	Fine reduced 50%
90,000 lbs. or more	Full fine
Axle weight	
Steering axle	No forgiveness granted
Axles 2 to 6: 15,001 lbs. to 15,999 lbs.	Fine waived
16,000 lbs. to 16,499 lbs.	Fine reduced 2/3
16,500 lbs. to 16,999 lbs.	Fine reduced 50%
17,000 lbs. or more	Full fine

No other tolerances or forgivenesses apply; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

G. The basic weight used to calculate fines is a gross vehicle weight road limit of 77,200 pounds or the axle weight limits enumerated in paragraph E, as appropriate. If there are 2 or more weight violations, the largest fine only applies; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**9. Application.** Nothing contained in this section is applicable to vehicles operating on the Interstate Highway System, as defined in the Federal Aid Highway Act of 1956.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

RR 1993, c. 2, §24 (COR). 1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 452, §Q67 (AMD). 2003, c. 452, §X2 (AFF).

### §2365. FOUR-AXLE SINGLE UNIT TRUCK IN COMBINATION WITH 2-AXLE TRAILER

A combination vehicle consisting of a 4-axle single unit truck operating in combination with a 2-axle trailer may be operated, or caused to be operated, with a maximum gross weight of 94,000 pounds if: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Registration.** The trailer unit is registered for a minimum of 28,000 pounds gross weight and the combined registered weight of the truck and trailer unit is at least 94,000 pounds gross weight or the truck is registered for at least 94,000 pounds;

[ 1999, c. 580, §10 (AMD); 1999, c. 580, §14 (AFF) .]

**2. Special commodities.**

[ 1999, c. 580, §14 (AFF); 1999, c. 580, §11 (RP) .]

**3. Single axle weights.** The following single axle weights are not exceeded:

A. For a steering axle, the limit is the lesser of 14,000 pounds or the weight limit provided by this chapter; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. For 2 to 4 truck axles, the limit is 20,000 pounds for each axle; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

C. For trailer axles, the limit is 18,000 pounds for each axle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Tri-axle gross weight.** The gross weight of the tri-axle, which is the sum of the weight of the 2nd, 3rd and 4th axles of the truck, does not exceed 50,000 pounds;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Lifiable axles.** When operating at a gross vehicle weight exceeding 88,000 pounds, all liftable axles of the vehicle are in full contact with the ground at all times;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Percent over basic weight.** The "percent over basic weight" used to calculate fines for weight violations by the vehicle are based upon a gross vehicle weight limit of 85,000 pounds or upon the axle weight limits enumerated in subsections 3 and 4, as appropriate;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Vehicle dimensions.** The following vehicle dimensions are met:

	At Least	Not to Exceed
Overall Vehicle	--	65 ft. 0 in.
Length		
Axle 1 to Axle 6	56 ft. 10 in.	58 ft. 10 in.
Axle 1 to Axle 2	13 ft. 6 in.	18 ft. 4 in.
Axle 2 to Axle 3	3 ft. 8 in.	5 ft. 0 in.
Axle 3 to Axle 4	3 ft. 8 in.	5 ft. 0 in.
Axle 4 to Axle 5	12 ft. 11 in.	17 ft. 6 in.
Axle 5 to Axle 6	15 ft. 2 in.	20 ft. 7 in.

Axle distances are measured from axle center to axle center; and

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Certification of brakes, axles and suspensions.**

[ 1999, c. 580, §14 (AFF); 1999, c. 580, §12 (RP) .]

Nothing contained in this section is applicable to vehicles operating on the Interstate Highway System, as defined in the Federal Aid Highway Act of 1956. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 580, §§10-12 (AMD). 1999, c. 580, §14 (AFF).

**Subchapter 2: DIMENSION****§2380. HEIGHT AND WIDTH RESTRICTIONS****1. Maximum width.**

[ 2003, c. 452, Pt. Q, §68 (RP); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Maximum height.** The following height restrictions apply.

A. A vehicle with a permanent or temporary structural part more than 13 feet, 6 inches in height measured vertically from a level ground surface may not be operated on a public way or bridge. [2003, c. 452, Pt. Q, §69 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. A vehicle may not be operated on a public way or bridge if the load extends more than 6 inches above the maximum permissible structural height of the vehicle. [2003, c. 452, Pt. Q, §69 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. A vehicle may not be operated over a section of a way or bridge that does not provide adequate overhead clearance. [2003, c. 452, Pt. Q, §69 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. Q, §69 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Maximum width; exceptions.** A vehicle that is wider than 102 inches over all may not be operated on a public way or bridge. A portion of a vehicle or load may not project beyond the side of that vehicle to make a total width greater than 102 inches, except as provided in this subsection and subsections 3-A and 4. The following conditions and appurtenances attached to a commercial motor vehicle are excluded from the measurement of width if they do not extend more than 3 inches from the side of a vehicle:

A. Corner caps; [1995, c. 78, §1 (NEW).]

B. Rear and side door hinges and their protective hardware; [1995, c. 78, §1 (NEW).]

C. Rain gutters; [1995, c. 78, §1 (NEW).]

D. Side lamp markers; [1995, c. 78, §1 (NEW).]

E. Lift pads for piggyback trailers; [1995, c. 78, §1 (NEW).]

F. Hazardous materials placards; [1995, c. 78, §1 (NEW).]

G. Tarps and tarp hardware; [1995, c. 78, §1 (NEW).]

H. Tiedown assemblies on platform trailers; [1995, c. 78, §1 (NEW).]

I. Weevil pins and sockets on lowbed trailers; [1995, c. 78, §1 (NEW).]

J. Steps and handholds for entry and egress; [1995, c. 78, §1 (NEW).]

K. Flexible fender extensions; [1995, c. 78, §1 (NEW).]

L. Mud flaps and splash and spray suppressant devices; [1995, c. 78, §1 (NEW).]

M. Refrigeration units or air compressors; [1995, c. 78, §1 (NEW).]

N. Load-induced tire bulge; and [1995, c. 78, §1 (NEW).]

O. Wall variation from true flat. [1995, c. 78, §1 (NEW).]

[ 2005, c. 482, §5 (AMD) .]

**3-A. Maximum width; additional exceptions.** In addition to the exceptions in subsection 3, the following are excluded from the measurement of vehicle width:

A. Reflecting mirrors; [2005, c. 482, §6 (NEW).]

B. Turn signal lamps; and [2005, c. 482, §6 (NEW).]

C. Appurtenances on motor homes, truck campers and camp trailers, if such appurtenances extend no more than 6 inches from either side of the body of the vehicle. [2005, c. 482, §6 (NEW).]

[ 2005, c. 482, §6 (NEW) .]

**4. Hay.** Notwithstanding subsection 3, rolled baled hay may be loaded on a vehicle not to exceed 11 feet in width when transported within a 20-mile radius of the farm on which the hay is harvested or stored. A vehicle used for the transportation of rolled baled hay may not be operated on a public way during nighttime.

[ 2003, c. 2, §94 (COR) .]

**5. Wood piled in tiers.** If firewood, pulpwood or bolts are piled in tiers from the front to rear of the vehicle:

A. When the load will pitch to the center of the vehicle, a strip of wood or metal 3 inches thick must extend along the sides of the platform, from front to rear, securely fastened to the platform. [1995, c. 247, §6 (AMD).]

B. [1995, c. 247, §7 (RP).]

The vehicle so loaded must carry a solid-boarded tailboard or 5 stakes of sufficient strength evenly spaced to maintain the weight of the load. The load may not at any place be higher than the tailboard or stakes.

[ 1995, c. 247, §§6, 7 (AMD) .]

**6. Liability.** A person damaging a bridge or overpass with a vehicle or load in excess of the legal height or width limits established in this chapter or a posted limit is deemed the proximate cause of all damage and is liable for the costs of all repairs necessary to restore the structure to its condition prior to the accident. Officials in charge of the maintenance of a bridge or overpass may bring a civil action to recover the costs of repairs.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Penalty.** A person who violates this section commits a traffic infraction for which a fine of not less than \$100 and not more than \$1,000 may be adjudged, except that the minimum fine for a violation of a posted bridge height is \$250.

[ 2003, c. 452, Pt. Q, §71 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**8. Exceptions.** This section does not apply to:

A. Snow plows and equipment used exclusively for the removal of snow from public ways; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]



B. Construction equipment used on way and bridge construction projects; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A load of loose hay, pea vines, cornstalks or other loosely mounded loads that can not damage structures or threaten public safety. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 78, §1 (AMD). 1995, c. 247, §§6,7 (AMD). RR 2003, c. 2, §94 (COR). 2003, c. 452, §§Q68-71 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 482, §§5,6 (AMD).

### §2381. MOVING HEAVY OBJECTS AND OBJECTS THAT EXCEED DIMENSIONAL LIMITS

**1. Prohibition.** A person may not move a vehicle or other object over a public way or bridge without obtaining a permit under this section if that vehicle or object:

A. Exceeds the length, width, height or weight prescribed in this Title; or [2003, c. 452, Pt. Q, §72 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Has attached to its wheels a flange, rib, clamp or other object likely to injure the surface of the public way or bridge. [2003, c. 452, Pt. Q, §72 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. Q, §72 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Exception.** This section does not prohibit:

A. The transportation of utility poles by a tractor and semitrailer without regard to overall length if the utility poles are moved by a utility company or the utility company's contractor from a staging area to the final point of installation. Nothing in this paragraph exempts the transporter from other applicable laws or rules; [2007, c. 703, §24 (AMD).]

B. Overwidth mowing machines, farm tractors or farming vehicles and equipment not customarily operated over public ways, if equipped with lights pursuant to section 1906, subsection 1, or reflectors at least 12 inches by 12 inches, to the front and rear adequately warning, during nighttime, other highway users of the extreme width; or [2015, c. 303, §1 (AMD).]

C. The use of tire chains of reasonable proportions when required for safety because of snow, ice or other slippery conditions. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2015, c. 303, §1 (AMD) .]

**3. Transporter certificates.** This section applies but is not limited to holders of transporter registration certificates.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 452, §Q72 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 314, §14 (AMD). 2007, c. 703, §24 (AMD). 2015, c. 303, §1 (AMD).

## §2382. OVERLIMIT MOVEMENT PERMITS

**1. Overlimit movement permits issued by State.** The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move nondivisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Permit fee.** The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for single trip permits, at not less than \$6, nor more than \$30, based on weight, height, length and width. The Secretary of State may, by rule, implement fees that have been set by the Commissioner of Transportation for multiple trip, long-term overweight movement permits. Rules established pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

[ 2001, c. 671, §30 (AMD) .]

**3. County and municipal permits.** A county commissioner or municipal officer may grant a permit, for a reasonable fee, for travel over a way or bridge maintained by that county or municipality.

[ 2003, c. 452, Pt. Q, §73 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**4. Permits for weight.** A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Long-term permits.** The Secretary of State may grant permits for up to one year for trucks, truck tractors, semitrailers and Class A special mobile equipment. Notwithstanding Title 5, section 8071, subsection 2, paragraph A, the Secretary of State, in consultation with the Commissioner of Transportation, shall establish the fee schedule by rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2011, c. 556, §22 (AMD) .]

**6. Scope of permit.** A permit is limited to the particular vehicle or object to be moved, the trailer or semitrailer hauling the overlimit object and particular ways and bridges.

[ 2003, c. 166, §13 (AMD) .]

**7. Construction permits.** A permit for a stated period of time may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:

A. Must be procured from the municipal officers for a construction area within that municipality;  
[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

(1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. For construction areas, carries no fee and does not come within the scope of this section. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Gross vehicle weight permits.** The following may grant permits to operate a vehicle having a gross vehicle weight exceeding the prescribed limit:

A. The Secretary of State, with the consent of the Department of Transportation, for state and state aid highways and bridges within city or compact village limits; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Municipal officers, for all other ways and bridges within that city and compact village limits; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The county commissioners, for county roads and bridges located in unorganized territory. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**9. Pilot vehicles.** The following restrictions apply to pilot vehicles.

A. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation. [2003, c. 452, Pt. Q, §74 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Warning lights may be operated and lettering on the signs may be visible on a pilot vehicle only while it is escorting a vehicle with a permit on a public way. [2003, c. 452, Pt. Q, §74 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

[ 2003, c. 452, Pt. Q, §74 (RPR); 2003, c. 452, Pt. X, §2 (AFF) .]

**9-A. Police escort.** A person may not operate a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width on a public way unless the vehicle or combination of vehicles is accompanied by a police escort. The Secretary of State, with the advice of the Commissioner of Transportation, may require a police escort for vehicles of lesser dimensions.

A. The Bureau of State Police shall establish a fee for state police escorts to defray the costs of providing a police escort. A county sheriff or municipal police department may establish a fee to defray the costs of providing police escorts. [1997, c. 144, §2 (NEW).]

B. The Bureau of State Police shall provide a police escort if a request is made by a permittee. A county sheriff or municipal police department may refuse a permittee's request for a police escort. [1997, c. 144, §2 (NEW).]

C. A vehicle or combination of vehicles for which a police escort is required must be accompanied by a state police escort when operating on the interstate highway system. [1997, c. 144, §2 (NEW).]

[ 1997, c. 144, §2 (NEW) .]

**10. Taxes paid.** A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes. A municipality may waive the requirement that those taxes be paid before the issuance of a permit if the mobile home is to be moved from one location in the municipality to another location in the same municipality for purposes not related to the sale of the mobile home.

[ 1999, c. 125, §1 (AMD) .]

**11. Violation.** A person who moves an object over the public way in violation of this section commits a traffic infraction.

[ 1999, c. 117, §2 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 144, §§1,2 (AMD). 1999, c. 117, §2 (AMD). 1999, c. 125, §1 (AMD). 1999, c. 580, §13 (AMD). 2001, c. 671, §30 (AMD). 2003, c. 166, §13 (AMD). 2003, c. 452, §§Q73,74 (AMD). 2003, c. 452, §X2 (AFF). 2007, c. 703, §25 (AMD). 2011, c. 356, §23 (AMD). 2011, c. 556, §22 (AMD).

## §2383. CROSSING OF PUBLIC WAY

**1. Authorization.** The following, by a contract with the abutting landowners at the designated crossing, may authorize the crossing of ways by vehicles or objects having an excessive length, width, height or weight:

A. The Department of Transportation for state aid highways and other ways maintained by the department; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Municipal officers for ways within the municipality; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The county commissioners for county roads in the unorganized territory. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Contract.** A contract must contain at least the following:

A. The term, including a term of years, for which the authorization remains valid; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Provisions for reimbursement to the authorizing agency for costs of repair or maintenance of the way arising out of the use of the crossing; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Other terms and conditions for safety, grading and maintenance. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Scope.** A contract grants authority to use the crossing to the abutting landowners at the point of crossing and to those using the crossing with the landowner's permission.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2384. REGIONAL OVERDIMENSIONAL TRUCK PERMITS

**1. Authorization.** The Commissioner of Transportation may enter into regional overdimensional truck permit agreements.

[ 1997, c. 776, §43 (AMD) .]

**2. Purpose.** It is the purpose of this section to:

A. Promote and encourage the fullest and most efficient use of the highway system by making uniform, among member jurisdictions, the administration of overdimensional and overweight permits for nondivisible loads on vehicles in interstate operation; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Enable participating jurisdictions to act cooperatively in the issuance of overdimensional and overweight permits and in the collection of appropriate fees; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. [1997, c. 776, §43 (RP).]

D. Establish and maintain consolidated multistate overdimensional and overweight permits based on rules established under the regional agreements. [1997, c. 776, §43 (NEW).]

[ 1997, c. 776, §43 (AMD) .]

**3. Principles.** The State recognizes that the regional administration of overdimensional and overweight permits for nondivisible loads will promote the more efficient use of the highway system while protecting that system from abuse. The State further recognizes that these regional agreements will reduce the administrative burdens for both the participating jurisdictions and the permittees by limiting the number of contacts necessary when a motor carrier moves an overdimensional or overweight load interstate.

[ 1997, c. 776, §43 (AMD) .]

**4. Authorization.** The Commissioner of Transportation may enter into agreements, not in conflict with any other sections of this Title or of Title 23, that further the intent of this section.

[ 1997, c. 776, §43 (AMD) .]

**5. Fees.** The Secretary of State may collect and distribute fees for other participating jurisdictions and receive fees from those jurisdictions collected on behalf of this State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Report.** The commissioner shall submit a biennial report to the joint standing committee of the Legislature having jurisdiction over transportation matters in January of even-numbered years. The report must outline progress in the expansion and the operation of the regional overdimensional and overweight permit agreements.

[ 1997, c. 776, §43 (AMD) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 776, §43 (AMD) .

## §2385. PROTRUDING OBJECTS AND TRAILERS

**1. Warning device.** A vehicle carrying an object that projects more than 4 feet from the rear must carry, at or near the rear of the object:

A. During nighttime, a red light; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. At all other times, a clean fluorescent cloth at least 12 by 12 inches. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Logs.** During the hours when lights are required, a vehicle carrying logs that project more than 4 feet from the rear of the vehicle must display a red reflector or reflectorized paint on the end of the log projecting furthest to the rear. The reflector or reflectorized paint must be of sufficient size and properly located and maintained so as to reflect, at night on an unlighted highway, the undimmed headlights of a vehicle approaching from the rear for at least 200 feet.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Safety chains.** A trailer, semitrailer or vehicle being towed must, in addition to the tow bar or coupling device, have a safety chain or steel cable so attached as to prevent breakaway from the towing vehicle.

The chain or steel cable must be made of not less than 1/4-inch wire.

This subsection does not apply to truck tractor and semitrailer units equipped with 5th wheel mechanism.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Trailers.** A trailer or semitrailer that is wider than the vehicle towing it must be equipped with reflective material or a lamp on each front corner that is visible to oncoming traffic.

[ 1999, c. 468, §4 (AMD) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 108, §1 (AMD). 1999, c. 468, §4 (AMD).

## §2386. BINDING OF LOADS

*(REPEALED)*

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 247, §8 (RP).

## §2387. BRIDGE LOADS

**1. Local authority to limit weight, number or speed.** Officials responsible for the repair and maintenance of a bridge may limit the combined weight of vehicle and load or any axle, or the number or speed of vehicles permitted on a bridge to the limit necessary for the safety of life or property or the maintenance of the bridge.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Department of Transportation responsibility.** If an official fails to set limits, the Department of Transportation may set limits.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Posting.** Regulations are in effect when notice is conspicuously posted at each end of a bridge.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Advice.** Limits must be based on the advice of the Department of Transportation or a registered professional civil engineer retained for the purpose of inspecting and determining the safe capacity of bridges. In an emergency, the officials may set limits as they may determine proper for the structural capacity or the maintenance of the bridge.

As soon as is reasonably possible, the officials shall seek the advice of the Department of Transportation.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Penalty.** Violation of a posted bridge weight limit is a traffic violation, for which a forfeiture of \$20 per each full 1,000 pounds plus \$30 per each full 10% over the posted limit may be adjudged.

It is not a violation if the excess weight is less than 500 pounds multiplied by the number of axles less one.

If the violation is for excess weight less than 1,000 pounds multiplied by the number of axles less one, the fine is reduced by 50%.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2388. VIOLATIONS; BOND; APPEALS

**1. Violation.** Except as otherwise provided, an operator who violates a provision of this subchapter commits a traffic infraction for which a forfeiture of not less than \$25 nor more than \$1,000 for each offense may be adjudged.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Bond.** In granting a permit under this subchapter, an operator may be required to post a satisfactory bond to reimburse for expenses necessarily incurred in repairing damage caused to the way or bridge by the operator's use.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Appeals.** An appeal in writing may be taken to the Department of Transportation from an order or decision of a municipal official under sections 2380 to 2382, 2387 and 2395.

The Department of Transportation may hear and decide the matter in a summary manner, modifying, affirming or vacating the action and may issue any order necessary to carry out its decision.

An appeal does not suspend the order or decision of the municipal official unless ordered by the Department of Transportation.

An appeal may be taken to the Public Utilities Commission from an action by a railroad corporation under section 2387 in respect to a highway bridge maintained by the corporation. The commission, after notice and hearing, may confirm or modify that action.

[ 1995, c. 65, Pt. A, §112 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A112 (AMD). 1995, c. 65, §§A153,C15 (AFF).

## §2389. TRUCK, TRAILER AND COMBINATIONS; LIMITATIONS

**1. Limitation on drawn trailers.** Only one trailer or semitrailer may be drawn by a motor vehicle, except that a combination of a truck tractor, semitrailer and full trailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411. "Driveaway" and "towaway" operations, as defined by the Secretary of State, may include a combination of saddlemount vehicles not to exceed 3 units in contact with the road.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Converted semitrailers.** A semitrailer converted to a trailer by use of a converter dolly remains a semitrailer for all other purposes in this Title and is considered one vehicle while connected.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2390. MAXIMUM LENGTH LIMITS

**1. Trucks and trailers.** The following maximum length limits include permanent or temporary structural parts of the vehicle and load, but do not include refrigeration units or other nonload-carrying appurtenances permitted by federal regulation.

A. A vehicle may not exceed 45 feet, except as provided in this section. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The maximum overall length of a combination of vehicles may not exceed 65 feet unless otherwise permitted by law. [1999, c. 753, §6 (AMD).]

C. A trailer or semitrailer may be greater than 45 feet but not more than 48 feet in structural length only if the distance between the center of the rearmost axle of the truck tractor and the center of the rearmost axle of the trailer or semitrailer does not exceed 38 feet.

The overall length of the combination of truck tractor and trailer or semitrailer in this paragraph may not exceed 69 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle, including any rear overhang.

The interaxle distance and overall combination vehicle length maximum limits required by this paragraph do not apply on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411. [2005, c. 170, §1 (AMD).]



D. The load on a combination vehicle transporting tree-length logs exclusively may extend rearward beyond the body of the vehicle by no more than 8 1/2 feet, as long as no more than 25% of the length of the logs extends beyond the body and the total length of the vehicle and load does not exceed 74 feet. [2001, c. 267, §12 (AMD); 2001, c. 267, §16 (AFF).]

E. A combination of truck tractor and full trailer or semitrailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, if the trailer or semitrailer length does not exceed 48 feet. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. A combination of truck tractor, semitrailer and full trailer, or a combination of truck tractor and 2 semitrailers, may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, if no semitrailer or trailer length exceeds 28.5 feet. This vehicle combination may also operate on other highways designated by the Commissioner of Transportation. [2003, c. 166, §14 (AMD).]

G. A stinger-steered autotransporter may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length not to exceed 75 feet. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

H. A combination vehicle designed for and transporting automobiles may be operated with an additional front overhang of not more than 3 feet and rear overhang of not more than 4 feet. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

I. Drive-away saddlemount vehicle transporter combinations with an overall length not exceeding 97 feet may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411. [2007, c. 306, §8 (AMD).]

J. Notwithstanding any other provision of this subsection, a single semitrailer whose total structural length exceeds 48 feet but does not exceed 53 feet may be operated in combination with a truck tractor on a highway network if the following conditions are met.

- (1) The wheelbase of the semitrailer, measured as the distance from the kingpin to the center of the rearmost axle of the semitrailer, may not exceed 43 feet.
- (2) The kingpin setback of the semitrailer, measured as the distance from the kingpin to the front of the semitrailer, may not exceed 3 1/2 feet in length.
- (3) The rear overhang of the semitrailer, measured as the distance from the center of the rear tandem axles of the semitrailer to the rear of the semitrailer, may not exceed 35% of the wheelbase of the semitrailer.
- (4) The semitrailer must be equipped with a rear underride guard that is of sufficient strength to prevent a motor vehicle from penetrating underneath the semitrailer, extends across the rear of the semitrailer to within an average distance of 4 inches of the lateral extremities of the semitrailer, exclusive of safety bumper appurtenances, and is placed at a height not exceeding 22 inches from the surface of the ground as measured when the semitrailer is empty and is on a level surface.

(5) The semitrailer must be equipped with vehicle lights that comply with or exceed federal standards and reflective material approved by the Commissioner of Transportation that must be located on the semitrailer in a manner prescribed by the commissioner. The semitrailer must display a conspicuous warning on the rear of the semitrailer indicating that the vehicle combination has a wide turning radius.

(8) Except as provided in subparagraph (10), the overall length of the truck tractor and semitrailer combination of vehicles traveling beyond the national network may not exceed 74 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle. For the purposes of this subparagraph, "national network" means those highways in the State identified under 23 Code of Federal Regulations, Appendix A to Part 658.

(9) Notwithstanding section 2380, the width of the semitrailer must be 102 inches, except that the width of the rear safety bumper and appurtenances to the safety bumper may not exceed 103 inches and except that the width of a flatbed or lowboy semitrailer, measured as the distance between the outer surface edges of the semitrailer's tires, must be at least 96 inches but no more than 102 inches.

(10) For vehicles whose overall length exceeds 74 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle, access is permitted to service facilities or terminals within one mile of the national network. For purposes of this subparagraph, "national network" means those highways in the State identified under 23 Code of Federal Regulations, Appendix A to Part 658.

(12) This vehicle combination may not transport cargo that has been prohibited for this vehicle combination by the Commissioner of Transportation.

(13) This paragraph does not apply to a trailer or semitrailer when transporting or returning empty from transporting a nondivisible load or object under the provisions of an overlimit permit granted by section 2382.

Nothing in this paragraph limits the authority of the department under Title 23, section 52 to adopt rules prohibiting or limiting access by semitrailers or other vehicles to a highway or portion of a highway or other segment of the transportation infrastructure in order to ensure public safety. [ 2005, c. 478, §1 (AMD) . ]

[ 2007, c. 306, §8 (AMD) . ]

**2. Articulated buses.** Notwithstanding any other provisions of this section, articulated buses may be operated or caused to be operated as long as the following conditions are met:

A. The total length of the vehicle does not exceed 61 feet, excluding bumpers; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The rearmost axle of the vehicle is self-steering; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The vehicle is equipped with an interlock device to prevent the vehicle from jackknifing while backing up; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. The vehicle is equipped with an audible or visible signal that indicates to the driver who overrides the interlock device when the vehicle is nearing the jackknife position; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. The turntable floor is properly aligned to maintain a level surface while the vehicle is in operation. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**3. Exemption.** Fire department vehicles and disabled motor vehicles being towed to a repair facility are exempt from length restrictions.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Rules of access.** The Commissioner of Transportation shall adopt rules consistent with the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, to ensure reasonable access to vehicles described in subsection 1, paragraphs E, F, G and I between the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, and terminals, facilities for food, fuel, repairs and rest and points of loading and unloading for household goods carriers. The commissioner may issue permits for that travel.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 441, §1 (AMD). 1997, c. 776, §44 (AMD). 1999, c. 470, §26 (AMD). 1999, c. 753, §§6,7 (AMD). 2001, c. 267, §§12,13 (AMD). 2001, c. 267, §16 (AFF). 2003, c. 166, §§14-16 (AMD). 2003, c. 253, §4 (AMD). 2003, c. 253, §5 (AFF). 2005, c. 170, §§1,2 (AMD). 2005, c. 478, §1 (AMD). 2007, c. 306, §8 (AMD).

### Subchapter 3: PROTECTION OF WAYS

#### §2395. WAYS REQUIRING SPECIAL PROTECTION

**1. Right of the Department of Transportation.** The Department of Transportation may restrict the weight or passage of any vehicle over any way when, in its judgment, such passage would be unsafe or likely to cause excessive damage to the way or bridge. Nothing in this Title may be construed to restrict or abridge this right.

[ 1995, c. 1, §26 (COR) .]

**2. Rules.** The Department of Transportation may adopt rules to ensure proper use and prevent abuse of the public ways under the department's jurisdiction whenever those ways require special protection. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2013, c. 55, §1 (AMD) .]

**3. Designation by the Department of Transportation.** The Department of Transportation may designate state and state aid highways and bridges over which restrictions on gross weight, speed, operation and equipment apply during periods of the year determined by the Department. It is unlawful for any vehicle to travel over public ways with a gross registered weight exceeding that prescribed by the Department and traveling with a load other than tools or equipment necessary for operation of the vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Designation by counties and municipalities.** County commissioners and municipal officers may designate public ways other than those in subsection 3 and impose restrictions within their respective jurisdictions similar to those made by the Department of Transportation under subsection 3. Any vehicle delivering home heating fuel and operating in accordance with a permit issued by the Department of Transportation pursuant to this section may travel over any county or town way without a specific municipal

or county permit. A municipality may impose additional restrictions for home heating fuel delivery trucks to operate on public ways within that municipality but may not require a permit to operate according to those restrictions.

[ 1999, c. 600, §1 (AMD) .]

**4-A. Municipal permit not required during declared drought emergency.** Notwithstanding subsection 4, during a period of drought emergency declared by the Governor pursuant to Title 37-B, section 742, a person operating a vehicle that is transporting well-drilling equipment for the purpose of drilling a replacement water well or for improving an existing water well on property where that well is no longer supplying sufficient water for residents or agricultural purposes may travel over a county or municipal way without a specific county or municipal permit, as long as the following conditions are met:

A. The operator of the vehicle is operating in accordance with a permit issued by the Department of Transportation when a department permit is required for a road or way necessary to reach the county or municipal way on which the property to be drilled is situated; [2001, c. 540, §1 (NEW) .]

B. The municipal or county manager or, in the absence of a municipal or county manager, a municipal or county officer or road commissioner is notified in advance; and [2001, c. 540, §1 (NEW) .]

C. The operator of the vehicle is traveling on a road that is posted by a county or municipality in accordance with any additional restrictions the municipality or county may impose, excepting any requirement for a specific county or municipal permit. [2001, c. 540, §1 (NEW) .]

[ 2001, c. 540, §1 (NEW) .]

**5. Notice.** A notice specifying the designated sections of a public way, the periods of closing and prescribed restrictions or exclusions must be conspicuously posted at each end of the public way requiring special protection in accordance with this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Enforcement.** Municipal officers within their respective municipalities have the same power as the State Police in the enforcement of this section and of all rules of the Department of Transportation, the county commissioners and the municipal officers that pertain to this section. The municipal officers, in such cases, serve without compensation.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Violation.** A violation of this section is a traffic infraction punishable by a fine, which may not be suspended, of not less than \$250.

[ 2009, c. 2, §83 (COR) .]

**8. Information on bridges.** Whenever necessary, the Department of Transportation may provide to municipal and county officials information concerning the capacity of bridges under the jurisdiction of those officials and the advisability of posting those bridges.

[ 2009, c. 2, §84 (COR) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). RR 1995, c. 1, §26 (COR). 1999, c. 600, §1 (AMD). 2001, c. 540, §1 (AMD). RR 2009, c. 2, §§83, 84 (COR). 2013, c. 55, §1 (AMD).

## §2396. CERTAIN SUBSTANCES ON PUBLIC WAYS

**1. Injurious substances.** A person may not place on a way a tack, nail, wire, scrap metal, glass, crockery or other substance that may injure feet, tires or wheels.

[ 2003, c. 452, Pt. Q, §75 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**1-A. Duty to clear way.** If a person accidentally places an injurious substance on a way, that person shall immediately make all reasonable efforts to clear the way of that substance.

[ 2003, c. 452, Pt. Q, §76 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Unsecured load.** A person may not operate on a public way a vehicle with a load that is not fastened, secured, confined or loaded to reasonably prevent a portion from falling off.

For the purposes of this section, "load" includes, but is not limited to, firewood, pulpwood, logs, bolts or other material, but does not include loose hay, pea vines, straw, grain or cornstalks.

When the load consists of sawdust, shavings or wood chips, and a reasonable effort has been made to completely cover the load, minor amounts blown from the vehicle while in transit do not constitute a violation.

A violation of this section is a traffic infraction subject to a forfeiture of not less than \$150 nor more than \$500.

[ 2001, c. 144, §2 (AMD) .]

**3. Gravel.** A load of gravel, sand, crushed stone, rubbish, building debris or trash must be covered or otherwise secured or confined to prevent any portion of the load from falling from or spilling out of the vehicle.

[ 2001, c. 267, §16 (AMD) .]

**4. Snow.** A person may not place and allow to remain on a public way snow or slush that has not accumulated there naturally.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2001, c. 144, §2 (AMD). 2001, c. 360, §16 (AMD). 2003, c. 452, §§Q75,76 (AMD). 2003, c. 452, §X2 (AFF).

## §2397. MENACING OR DAMAGING VEHICLES

The Secretary of State may revoke or suspend the certificate of registration of a vehicle that is: [ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**1. Menace.** So constructed that when in operation the vehicle is a menace to the safety of its occupants or to the public; or

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Damage.** So constructed or operated as to cause unreasonable damage to public ways or bridges.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## Chapter 23: MAJOR OFFENSES - SUSPENSION AND REVOCATION

### Subchapter 1: GENERAL PROVISIONS

#### §2401. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Alcohol and drug program.** "Alcohol and drug program" means the alcohol and other drug education, evaluation and treatment program administered by the Department of Health and Human Services under Title 5, chapter 521, subchapter 5.

[ 2011, c. 657, Pt. AA, §77 (AMD) .]

**2. Alcohol level.** "Alcohol level" means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

[ 2009, c. 447, §32 (AMD) .]

**3. Chemical test or test.** "Chemical test" or "test" means a test or tests used to determine alcohol level or the presence of a drug or drug metabolite by analysis of blood, breath or urine.

[ 2013, c. 459, §1 (AMD) .]

**4. Drugs.** "Drugs" means scheduled drugs as defined under Title 17-A, section 1101. The term "drugs" includes any natural or artificial chemical substance that, when taken into the human body, can impair the ability of the person to safely operate a motor vehicle.

[ 1995, c. 145, §1 (AMD) .]

**5. Failure to submit to a test, fails to submit to a test or failed to submit to a test.** "Failure to submit to a test," "fails to submit to a test" or "failed to submit to a test" means failure to comply with the duty to submit to and complete a chemical test under section 2521 or 2525.

[ 1995, c. 368, Pt. AAA, §4 (AMD) .]

**5-A. Ignition interlock device.** "Ignition interlock device" means a device that connects a breath analyzer to a motor vehicle's ignition system. The analyzer monitors the concentration of alcohol in the breath of any person who attempts to start the motor vehicle by using the ignition system. The device prevents the vehicle from starting unless the person provides a breath sample with a concentration of alcohol that is below a preset level.

[ 2007, c. 531, §10 (AFF); 2007, c. 531, §1 (REEN) .]

**6. Operating.** "Operating," in any form, means operating or attempting to operate a motor vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. OAS.** "OAS" means to operate after the Secretary of State or a court has suspended the driver's license.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. OUI.** "OUI" means operating under the influence of intoxicants or with an excessive alcohol level under section 2411, 2453, 2453-A, 2454, 2456, 2457 or 2472.

[ 2011, c. 335, §2 (AMD) .]

**9. OUI conviction.** "OUI conviction" means a conviction for:

A. A violation of section 2411; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. A violation of Title 15, section 3103, subsection 1, paragraph F; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Violation of former Title 29, section 1312, subsection 10 or section 1312-B; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. In a jurisdiction that is a party to the Driver License Compact established in chapter 11, subchapter V, an offense described in the compact, section 1454, subsection 1, paragraph B, or an offense that is similar as provided by section 1454, subsection 3; [1995, c. 65, Pt. A, §113 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF).]

E. In a tribal court of the Penobscot Nation or the Passamaquoddy Tribe, a court of the United States or a court of a state that is not a party to the compact, an offense for which punishment includes the possibility of incarceration, whether or not actually imposed, and the elements of the offense as provided in the law of that jurisdiction include operation of a motor vehicle while intoxicated, impaired or under the influence of alcohol, intoxicating liquor or drugs or with a level of alcohol sufficient for conviction under the laws of that jurisdiction; or [2009, c. 447, §35 (AMD).]

F. An adjudication or other determination made under the juvenile laws of this State or of another jurisdiction for conduct that, if committed by an adult, would have been a conviction included in this subsection, including the conduct under Title 15, section 3103, subsection 1, paragraph F. [1995, c. 65, Pt. A, §114 (NEW); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF).]

[ 2009, c. 447, §35 (AMD) .]

**10. OUI offender.** "OUI offender" means a person who receives an OUI conviction.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**11. OUI offense.** "OUI offense" means an OUI conviction or suspension for failure to submit to a test.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**12. OUI suspension.** "OUI suspension" means the suspension of a driver's license for an OUI conviction.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**13. Under the influence of intoxicants.** "Under the influence of intoxicants" means being under the influence of alcohol, a drug other than alcohol, a combination of drugs or a combination of alcohol and drugs.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §§A113,114 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 145, §1 (AMD). 1995, c. 368, §§AAA3-5 (AMD). 1995, c. 482, §A26 (AMD). 1999,



c. 470, §27 (AMD). 2007, c. 531, §1 (AMD). 2007, c. 531, §10 (AFF). 2009, c. 447, §§32-35 (AMD). 2011, c. 335, §2 (AMD). 2011, c. 657, Pt. AA, §77 (AMD). 2013, c. 459, §1 (AMD).

## **§2402. CALCULATING PRIOR CONVICTIONS**

For purposes of this chapter, a prior conviction or action has occurred within the 10-year period if the date of the action or the date the sentence is imposed is 10 years or less from the date of the new conduct. [2013, c. 604, §1 (AMD).]

### **SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 368, §AAA6 (AMD). 2013, c. 604, §1 (AMD).

## **§2403. PERIOD OF ADMINISTRATIVE SUSPENSION DEDUCTED FROM COURT-IMPOSED SUSPENSION**

Except for a suspension for failure to submit to a test, the period of time of an administrative suspension ordered by the Secretary of State prior to an OUI conviction that arose out of the same occurrence is deducted from the period of time of any court-imposed suspension. If the suspension is for failure to submit to a test, a period of suspension imposed by the court or by the Secretary of State for an OUI conviction is consecutive to the period of suspension imposed for failure to submit to a test. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### **SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## **§2404. OWNER LIABLE FOR DAMAGE BY IMPAIRED OPERATOR**

An owner or person having control over a motor vehicle who, having knowledge or reason to know that a person under the influence of intoxicants has an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath, permits that person to operate that motor vehicle is jointly and severally liable with that person for damages caused by the negligence of the person. This section is not in derogation of, does not limit and does not diminish any cause of action or right of recovery that is or may become available under the common law. [2009, c. 447, §36 (AMD).]

### **SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2009, c. 447, §36 (AMD).

## **§2405. OPTIONAL REPORTING OF DRIVERS OPERATING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS**

**1. Persons who may report.** If, while acting in a professional capacity, a medical or osteopathic physician, resident, intern, emergency medical services person, medical examiner, physician's assistant, dentist, dental hygienist, dental assistant or registered or licensed practical nurse knows or has reasonable cause to believe that a person has been operating a motor vehicle, hunting or operating a snowmobile, all-terrain vehicle or watercraft while under the influence of intoxicants and that motor vehicle, snowmobile, all-terrain vehicle or watercraft or a hunter has been involved in an accident, that person may report those facts to a law enforcement official.

[ 1995, c. 679, §16 (AMD) .]

**2. Immunity from liability.** A person participating in good faith in reporting under this section, or in participating in a related proceeding, is immune from criminal or civil liability for the act of reporting or participating in the proceeding.

Nothing in this section may be construed to bar criminal or civil action regarding perjury.

In a proceeding regarding immunity from liability, there is a rebuttable presumption of good faith.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Privileged or confidential communications.** The physician-patient privileges under the Maine Rules of Evidence and the confidential quality of communication under Title 24-A, section 4224 and Title 32, section 18393 are abrogated in relation to required reporting or other proceeding.

[ 2015, c. 429, §16 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 679, §16 (AMD). 2015, c. 429, §16 (AMD).

## Subchapter 2: JUDICIAL ACTIONS

### Article 1: OFFENSES

#### §2411. CRIMINAL OUI

##### 1. Offense.

[ 2003, c. 452, Pt. Q, §77 (RP); 2003, c. 452, Pt. X, §2 (AFF) .]

**1-A. Offense.** A person commits OUI if that person:

A. Operates a motor vehicle:

- (1) While under the influence of intoxicants; or
- (2) While having an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath; [ 2009, c. 447, §37 (AMD) .]

B. Violates paragraph A and:

- (1) Has one previous OUI offense within a 10-year period;
- (2) Has 2 previous OUI offenses within a 10-year period; or
- (3) Has 3 or more previous OUI offenses within a 10-year period; [ 2003, c. 452, Pt. Q, §78 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

C. Violates paragraph A, failed to submit to a test at the request of a law enforcement officer and:

- (1) Has no previous OUI offenses within a 10-year period;
- (2) Has one previous OUI offense within a 10-year period;
- (3) Has 2 previous OUI offenses within a 10-year period; or
- (4) Has 3 previous OUI offenses within a 10-year period; or [ 2003, c. 452, Pt. Q, §78 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

D. Violates paragraph A, B or C and:

- (1) In fact causes serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person;
- (1-A) In fact causes the death of another person; or

(2) Has either a prior conviction for a Class B or Class C crime under this section or former Title 29, section 1312-B or a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. For purposes of this subparagraph, the 10-year limitation specified in section 2402 and Title 17-A, section 9-A, subsection 3 does not apply to the prior criminal homicide conviction or to a prior conviction for a Class B or Class C crime under this section or former Title 29, section 1312-B. The convictions may have occurred at any time. [ 2015, c. 2, §18 (COR) . ]

[ 2015, c. 2, §18 (COR) . ]

**2. Pleading and proof.** The alternatives outlined in subsection 1-A, paragraph A may be pleaded in the alternative. The State is not required to elect between the alternatives prior to submission to the fact finder. In a prosecution under subsection 1-A, paragraph D, the State need not prove that the defendant's condition of being under the influence of intoxicants or having an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath caused the serious bodily injury or death alleged. The State must prove only that the defendant's operation caused the serious bodily injury or death. The court shall apply Title 17-A, section 33 in assessing any causation under this section.

[ 2009, c. 447, §39 (AMD) . ]

**3. Investigation.** After a person has been charged with OUI, the officer shall investigate whether the charged person has prior OUI offenses. As part of the investigation, the officer shall make necessary inquiries of the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**4. Arrest.** A law enforcement officer may arrest, without a warrant, a person the officer has probable cause to believe has operated a motor vehicle while under the influence of intoxicants if the arrest occurs within a period following the offense reasonably likely to result in the obtaining of probative evidence of an alcohol level or the presence of a drug or drug metabolite.

[ 2013, c. 459, §2 (AMD) . ]

**5. Penalties.** Except as otherwise provided in this section and section 2508, violation of this section is a Class D crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The following minimum penalties apply and may not be suspended:

A. For a person having no previous OUI offenses within a 10-year period:

- (1) A fine of not less than \$500, except that if the person failed to submit to a test, a fine of not less than \$600;
- (2) A court-ordered suspension of a driver's license for a period of 150 days; and
- (3) A period of incarceration as follows:
  - (a) Not less than 48 hours when the person:
    - (i) Was tested as having an alcohol level of 0.15 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath;
    - (ii) Was exceeding the speed limit by 30 miles per hour or more;
    - (iii) Eluded or attempted to elude an officer; or
    - (iv) Was operating with a passenger under 21 years of age; and

(b) Not less than 96 hours when the person failed to submit to a test at the request of a law enforcement officer; [ 2013, c. 389, §1 (AMD); 2013, c. 389, §7 (AFF) . ]

B. For a person having one previous OUI offense within a 10-year period:

- (1) A fine of not less than \$700, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than \$900;
- (2) A period of incarceration of not less than 7 days, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 12 days;
- (3) A court-ordered suspension of a driver's license for a period of 3 years; and
- (4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle; [ 2007, c. 531, §2 (AMD); 2007, c. 531, §10 (AFF) . ]

C. For a person having 2 previous OUI offenses within a 10-year period, which is a Class C crime:

- (1) A fine of not less than \$1,100, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than \$1,400;
- (2) A period of incarceration of not less than 30 days, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 40 days;
- (3) A court-ordered suspension of a driver's license for a period of 6 years; and
- (4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle; [ 2007, c. 531, §2 (AMD); 2007, c. 531, §10 (AFF) . ]

D. For a person having 3 or more previous OUI offenses within a 10-year period, which is a Class C crime:

- (1) A fine of not less than \$2,100, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than \$2,500;
- (2) A period of incarceration of not less than 6 months, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 6 months and 20 days;
- (3) A court-ordered suspension of a driver's license for a period of 8 years; and
- (4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle; [ 2013, c. 187, §1 (AMD) . ]

D-1. A violation of subsection 1-A, paragraph D, subparagraph (1) is a Class C crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The sentence must include a period of incarceration of not less than 6 months, a fine of not less than \$2,100 and a court-ordered suspension of a driver's license for a period of 6 years. These penalties may not be suspended; [ 2005, c. 606, Pt. A, §2 (AMD) . ]

D-2. A violation of subsection 1-A, paragraph D, subparagraph (1-A) or (2) is a Class B crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The sentence must include a period of incarceration of not less than 6 months, a fine of not less than \$2,100 and a court-ordered suspension of a driver's license for a period of 10 years. These penalties may not be suspended; [ 2005, c. 606, Pt. A, §3 (NEW) . ]

E. If a law enforcement officer failed to provide the warnings required by section 2521, subsection 3, the increase in minimum penalties required because of a refusal to submit to a test is not mandatory; [ 1997, c. 737, §9 (AMD) . ]

F. For a person sentenced under paragraph B, C or D, the court shall order the defendant to participate in the alcohol and other drug program of the Department of Health and Human Services. The court may waive the program pursuant to Title 5, section 20073-B, if the court finds that the defendant has completed an alcohol or other drug treatment program subsequent to the date of the offense; and [ 2011, c. 657, Pt. AA, §78 (AMD). ]

G. The court shall order an additional period of license suspension of 275 days for a person sentenced under paragraph A, B, C, D, D-1 or D-2 if the person was operating the motor vehicle at the time of the offense with a passenger under 21 years of age. [ 2005, c. 606, Pt. A, §4 (AMD). ]

[ 2013, c. 187, §1 (AMD); 2013, c. 389, §1 (AMD); 2013, c. 389, §7 (AFF) . ]

**5-A. Notice and custody.** The court shall give notice of a license suspension and shall take physical custody of the driver's license, except when the defendant demonstrates that the defendant's license was previously restored by the Secretary of State following an administrative suspension under section 2453 for operating under the influence based on the same facts and circumstances giving rise to the court-ordered suspension.

[ 2011, c. 81, §1 (AMD) . ]

**5-B. Additional period of suspension.** The Secretary of State may impose an additional period of suspension under section 2451, subsection 3 or may extend a period of suspension until satisfaction of any conditions imposed pursuant to chapter 23, subchapter III, article 4.

[ 1995, c. 368, Pt. AAA, §9 (NEW) . ]

## **6. Aggravated punishment category.**

[ 2003, c. 452, Pt. Q, §83 (RP); 2003, c. 452, Pt. X, §2 (AFF) . ]

**7. Surcharge.** A surcharge must be charged for a conviction under this section. The surcharge is \$30, except that, when the person operated or attempted to operate a motor vehicle while under the influence of drugs or a combination of liquor and drugs, the surcharge is \$125. For the purposes of collection procedures, the surcharge is considered a fine. Notwithstanding section 2602, this surcharge accrues to the Highway Fund for the purpose of covering the costs associated with the administration and analysis of alcohol level tests.

[ 2009, c. 447, §42 (AMD) . ]

**8. Juvenile crime.** References in this Title to this section include the juvenile crime in Title 15, section 3103, subsection 1, paragraph F, and the disposition, including a suspension, for that juvenile crime in Title 15, section 3314, subsection 3, except as otherwise provided or except where the context clearly requires otherwise.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

## **SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A115 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 368, §§AAA7-10 (AMD). 1995, c. 645, §B18 (AMD). 1997, c. 737, §§8-11 (AMD). 1999, c. 703, §1 (AMD). 2001, c. 332, §1 (AMD). 2001, c. 511, §3 (AMD). 2003, c. 452, §§Q77-83 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 633, §8 (AMD). 2003, c. 673, §§TT3,4 (AMD). 2003, c. 689, §B6 (REV). 2005, c. 397, §§B7,8 (AFF). 2005, c. 438, §1 (AMD). 2005, c. 606, §§A1-4 (AMD). 2007, c. 531, §2 (AMD). 2007, c. 531, §10 (AFF). 2009, c. 447, §§37-42

(AMD). 2011, c. 81, §1 (AMD). 2011, c. 159, §1 (AMD). 2011, c. 657, Pt. AA, §78 (AMD). 2013, c. 187, §1 (AMD). 2013, c. 389, §1 (AMD). 2013, c. 389, §7 (AFF). 2013, c. 459, §2 (AMD). 2013, c. 604, §2 (AMD). RR 2015, c. 2, §18 (COR).

## §2412. OPERATING WHILE LICENSE SUSPENDED OR REVOKED

**(REPEALED)**

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §§A116,C11 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 368, §AAA11 (RP). 1995, c. 625, §A34 (AMD).

## §2412-A. OPERATING WHILE LICENSE SUSPENDED OR REVOKED

### 1. Offense; penalty.

[ 2003, c. 452, Pt. Q, §84 (RP); 2003, c. 452, Pt. X, §2 (AFF) .]

**1-A. Offense; penalty.** A person commits operating while license suspended or revoked if that person:

A. Operates a motor vehicle on a public way or in a parking area when that person's license has been suspended or revoked, and that person:

- (1) Has received written notice of a suspension or revocation from the Secretary of State or a court;
- (2) Has been orally informed of the suspension or revocation by a law enforcement officer or a court;
- (3) Has actual knowledge of the suspension or revocation;
- (4) Has been sent written notice in accordance with section 2482 or former Title 29, section 2241, subsection 4; or
- (5) Has failed to answer or to appear in court pursuant to a notice or order specified in section 2605 or 2608; [2003, c. 452, Pt. Q, §85 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

B. Violates paragraph A and the suspension was for OUI or an OUI offense; [2003, c. 452, Pt. Q, §85 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

C. Violates paragraph A and the suspension was for OUI or an OUI offense, the person was subject to the mandatory minimum sentence and the person:

- (1) Has one prior conviction for violating this section;
- (2) Has 2 prior convictions for violating this section; or
- (3) Has 3 or more prior convictions for violating this section; or [2003, c. 452, Pt. Q, §85 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

D. Violates paragraph A, the suspension was not for OUI or an OUI offense and the person has one or more prior convictions for violating this section. [2003, c. 452, Pt. Q, §85 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

Except for an offense under subsection 8 or as otherwise provided, operating while license suspended or revoked is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[ 2009, c. 297, §1 (AMD) .]

**2. Exception.** This section does not apply to a person whose license has been revoked under the laws in subchapter V governing habitual offenders.

[ 1995, c. 368, Pt. AAA, §12 (NEW) . ]

**3. Minimum mandatory sentences for certain suspension.** If the suspension was for OUI or an OUI offense, the court shall impose a minimum fine of \$600, a term of imprisonment of 7 consecutive days and a suspension of license of not less than one year nor more than 3 years consecutive to the original suspension. The penalties may not be suspended.

A. If the person has a prior conviction for violating this section within a 10-year period and was subject to the minimum mandatory sentences, then the following minimum penalties, which may not be suspended by the court, apply in the event the suspension was for OUI:

(1) A minimum fine of \$1,000, a term of imprisonment of 30 consecutive days and a suspension of license for not less than one year nor more than 3 years consecutive to the original suspension in the event of one prior conviction;

(2) A minimum fine of \$2,000, a term of imprisonment of 60 consecutive days and a suspension of license for not less than one year nor more than 3 years consecutive to the original suspension in the event of 2 prior convictions; or

(3) A minimum fine of \$3,000, a term of imprisonment of 6 months and a suspension of license for not less than one year nor more than 3 years consecutive to the original suspension in the event of 3 or more prior convictions. The sentencing class for this offense is a Class C crime. [ 1995, c. 368, Pt. AAA, §12 (NEW) . ]

B. For all other suspensions, the minimum fine for a first offense is \$250, which may not be suspended by the court. The minimum fine for 2nd and subsequent offenses is \$500, which may not be suspended by the court. [ 2003, c. 673, Pt. TT, §5 (AMD) . ]

A separate reading of the allegation and a separate trial are not required under this subsection.

[ 2003, c. 673, Pt. TT, §5 (AMD) . ]

**4. Suspension of license.** The following provisions apply when a person's license is required to be suspended under this section.

A. The court shall give notice of the suspension and shall take physical custody of an operator's license or permit as provided in section 2434. [ 1995, c. 368, Pt. AAA, §12 (NEW) . ]

B. If the court fails to impose a suspension as provided in subsection 3, the Secretary of State shall impose the minimum one-year suspension. [ 1995, c. 368, Pt. AAA, §12 (NEW) . ]

C. The minimum mandatory sentences of subsection 3 apply only to the original period of suspension imposed by the court or the Secretary of State or as extended by the Secretary of State. The minimum mandatory sentences of subsection 3 do not apply to any extension of the original suspension imposed to compel a person's compliance with conditions for the restoration of a license or for failure to pay a reinstatement fee for a license. [ 1995, c. 368, Pt. AAA, §12 (NEW) . ]

[ 1995, c. 368, Pt. AAA, §12 (NEW) . ]

**5. Prior convictions.** For purposes of this section, a prior conviction or suspension has occurred within a 10-year period if the date of the suspension or the imposition of sentence is 10 years or less from the date of the new conduct that is penalized or for which the new penalty may be enhanced.

[ 2013, c. 604, §3 (AMD) . ]

**6. Ignition interlock device.**

[ 1999, c. 470, §29 (RP) .]

**7. Ignition interlock device.** As a condition of license reinstatement, the Secretary of State, pursuant to section 2508, may require a person subject to the minimum mandatory sentencing provisions of subsection 3 to have installed in the motor vehicle the person operates for a period of up to 2 years an ignition interlock device approved by the Secretary of State.

[ 2007, c. 531, §3 (NEW); 2007, c. 531, §10 (AFF) .]

**8. Traffic infraction.** A person commits a traffic infraction operating while license suspended as described in subsection 1-A, paragraph A if the person has not been convicted or adjudicated of a prior offense under this section and the sole basis for the suspension is:

A. Failure to pay a fine; [2009, c. 297, §2 (NEW) .]

B. Failure to pay a license reinstatement fee; or [2009, c. 297, §2 (NEW) .]

C. Suspension for a dishonored check. [2009, c. 297, §2 (NEW) .]

[ 2009, c. 493, §3 (AMD) .]

**SECTION HISTORY**

1995, c. 368, §AAA12 (NEW). 1995, c. 645, §B19 (AMD). 1999, c. 196, §3 (AMD). 1999, c. 470, §§28,29 (AMD). 1999, c. 743, §5 (AMD). 2003, c. 452, §§Q84,85 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 673, §TT5 (AMD). 2007, c. 531, §3 (AMD). 2007, c. 531, §10 (AFF). 2009, c. 297, §§1, 2 (AMD). 2009, c. 493, §3 (AMD). 2013, c. 604, §3 (AMD).

**§2413. DRIVING TO ENDANGER**

**1. Definition.** A person commits a Class E crime if, with criminal negligence as defined in Title 17-A, that person drives a motor vehicle in any place in a manner that endangers the property of another or a person, including the operator or passenger in the motor vehicle being driven.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**1-A. Aggravated punishment category.** Notwithstanding subsection 1, a person commits a Class C crime if, with criminal negligence as defined in Title 17-A, section 35, that person drives a motor vehicle in any place in a manner that endangers the property of another or a person, including the operator or passenger in the motor vehicle being driven, and causes serious bodily injury, as defined in Title 17-A, section 2, subsection 23, to another person.

[ 2005, c. 441, §1 (NEW) .]

**2. Allegation of facts.** In pleading under this section, it is not necessary to allege specifically the facts that constitute criminal negligence.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Penalties.** In addition to any other penalty, the court shall suspend the driver's license of a person convicted under subsection 1 for not less than 30 days nor more than 180 days, which minimum may not be suspended. In addition to any other penalty, the court shall suspend the driver's license of a person convicted under subsection 1-A for not less than 180 days nor more than 2 years, which minimum may not be



suspended. If the court fails to suspend the license, the Secretary of State shall impose the minimum period of suspension. The court shall impose a sentencing alternative that involves a fine of not less than \$575, which may not be suspended.

[ 2005, c. 683, Pt. B, §23 (RPR) .]

**4. Exception.** This section does not apply to the operation of a vehicle:

A. In racing events and exhibitions at which the public does not have access to the operating area; or  
[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. On private land to which the public does not have access when used by or with authorization of the landowner. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Notice.** The court shall give notice of the suspension and take physical custody of a driver's license as provided in section 2434.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2005, c. 12, §JJ2 (AMD). 2005, c. 441, §§1,2 (AMD). 2005, c. 683, §B23 (AMD).

## §2413-A. MOTOR VEHICLE VIOLATION RESULTING IN DEATH

**1. Offense.** A person commits the civil violation of motor vehicle violation resulting in death if that person, while operating a motor vehicle and committing a traffic infraction, causes the death of another person.

[ 2009, c. 182, §1 (NEW) .]

**2. Pleading and proof.** The State must prove that the defendant's committing a traffic infraction while operating a motor vehicle caused the death under subsection 1. The court shall apply Title 17-A, section 33 in assessing any causation under this section.

[ 2009, c. 182, §1 (NEW) .]

**3. Penalties.** A person who violates this section commits a civil violation for which a fine of not more than \$5,000 may be adjudged. Any portion of the fine adjudged may be satisfied by a court-ordered requirement of community service work. The court shall also impose a license suspension of no less than 14 days and up to 4 years.

[ 2009, c. 182, §1 (NEW) .]

#### SECTION HISTORY

2009, c. 182, §1 (NEW).

## §2414. REFUSING TO STOP FOR A LAW ENFORCEMENT OFFICER

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Roadblock" means a vehicle, a physical barrier or other obstruction placed on a way at the direction of a law enforcement officer. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. "Signal" includes, but is not limited to, the use of a hand signal, siren or flashing emergency lights. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Failure to stop.** A person commits a Class E crime if that person fails or refuses to stop a motor vehicle on request or signal of a uniformed law enforcement officer.

[ 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §12 (AMD); 1995, c. 65, Pt. C, §15 (AFF) .]

**3. Eluding an officer.** A person commits a Class C crime if that person, after being requested or signaled to stop, attempts to elude a law enforcement officer by operating a motor vehicle at a reckless rate of speed that results in a high-speed chase between the operator's motor vehicle and a law enforcement vehicle using a blue light and siren.

[ 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §12 (AMD); 1995, c. 65, Pt. C, §15 (AFF) .]

**4. Passing a roadblock.** A person commits a Class C crime if the person, without authorization, operates or attempts to operate a motor vehicle past a clearly identifiable police roadblock.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. High-speed chase policies.** All state, county and municipal law enforcement agencies must adopt written policies on high-speed chases.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Aggravating factor; eluding an officer.** A person commits a Class B crime if that person attempts to elude a law enforcement officer and another person suffers serious bodily injury, as defined in Title 17-A, section 2, subsection 23, as a result.

[ 2003, c. 452, Pt. Q, §86 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**7. Aggravating factor; passing roadblock.** A person commits a Class B crime if that person passes or attempts to pass a roadblock and another person suffers serious bodily injury, as defined in Title 17-A, section 2, subsection 23, as a result.

[ 2003, c. 452, Pt. Q, §87 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §C12 (AMD). 1995, c. 65, §§A153,C15 (AFF). 2003, c. 452, §§Q86,87 (AMD). 2003, c. 452, §Q87 (AMD). 2003, c. 452, §X2 (AFF).

## §2415. OPERATING UNDER FOREIGN LICENSE DURING SUSPENSION OR REVOCATION IN STATE PROHIBITED

Any resident or nonresident whose license has been suspended or revoked as provided in this Title commits the offense defined in section 2412-A if that person operates a motor vehicle during that suspension or revocation under a license or permit issued by any other jurisdiction. This section does not apply to a person whose license has been revoked pursuant to the provisions in subchapter V. [2001, c. 361, §31 (RPR).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2001, c. 361, §31 (RPR).

## §2416. REGISTRATION SUSPENSION BY COURT

**1. Required registration suspension; return of certificate and plates.** The court shall suspend the right to register a motor vehicle and all registration certificates and plates issued by the Secretary of State to any person convicted for a violation of section 2411 who has a previous conviction for OUI within the 10-year period defined by section 2402. The Secretary of State shall return the certificate of registration and plates to the defendant when the defendant's license and registration privileges have been restored.

[ 1995, c. 368, Pt. AAA, §13 (AMD) .]

**2. Exception for hardship.** Notwithstanding subsection 1, if a spouse or other family member regularly using a vehicle subject to suspension of registration establishes to the satisfaction of the court that hardship will result from that suspension, the court need not suspend the registration certificates and plates or the right to register that vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Reissuance of registration.** Notwithstanding a court order suspending a registration, the Secretary of State may restore a registration certificate and plates without fee during the remaining term of the registration to a spouse or other family member upon receipt of an affidavit authorizing the spouse or other family member to register the vehicle.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 368, §AAA13 (AMD).

## §2417. SUSPENDED REGISTRATION

A person commits a Class E offense if that person operates or permits another to operate a vehicle when the registration of that vehicle is suspended or revoked. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2418. OTHER COURT SUSPENSION OF DRIVER'S LICENSE

**1. Court suspension.** In addition to or instead of any other penalty provided in this Title, the court may suspend a driver's license for a period not exceeding 60 days.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Judicial recommendations.** A judge may make a recommendation to the Secretary of State on suspension of licenses and certificates of registration as the judge considers to be in furtherance of justice.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## Article 2: FORFEITURE

## §2421. FORFEITURE OF MOTOR VEHICLES FOR OUI

**1. Forfeiture.** After notice and hearing, a motor vehicle must be forfeited to the State when a defendant is:

A. The sole owner-operator of that vehicle; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Convicted of:

(1) OUI; and

(2) A simultaneous offense of operating after suspension when the underlying suspension was imposed for a prior OUI conviction. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

The court shall order the forfeiture unless another person satisfies the court prior to the judgment and by a preponderance of the evidence that the other person had a right to possess that motor vehicle, to the exclusion of the defendant, at the time of the offense.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Seizure of vehicle of owner-operator.** A motor vehicle operated by a sole owner is subject to seizure by a law enforcement officer when:

A. The owner-operator operates or attempts to operate that motor vehicle under the influence of intoxicating liquor or drugs or while having an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath; and [2009, c. 447, §43 (AMD).]

B. The owner-operator is under suspension or revocation as a result of a previous conviction of operating under influence of alcohol or drugs or while having an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. [2009, c. 447, §43 (AMD).]

[ 2009, c. 447, §43 (AMD) .]

**3. Lienholders.** A forfeiture of a motor vehicle encumbered by a perfected bona fide security interest is subject to the interest of the secured party if the party did not have knowledge of the act on which the forfeiture is based.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Preliminary order.** At the request of the State, the court may issue, ex parte, a preliminary order to seize or secure a motor vehicle subject to forfeiture and to provide for custody.

That order may include an order to a financial institution or to any fiduciary or bailee to impound the vehicle in its possession or control and to release the vehicle only on further order of the court.

The court may issue an order only on a showing of probable cause and after criminal complaints of OUI and OAS have been filed against the owner-operator.

The application, issuance, execution and return of an order are subject to applicable state law.

A law enforcement officer may seize a motor vehicle without court order when:

A. The seizure is incident to an arrest with probable cause for an OUI by the sole owner and the officer has probable cause to believe the vehicle is subject to forfeiture; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The vehicle has been subject of a prior judgment in favor of the State in a forfeiture proceeding under this section or any other provision of law. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Reports.** An officer, department or agency seizing a vehicle shall file a report of seizure with the Attorney General or a district attorney having jurisdiction over the vehicle. The report must be:

A. Filed within 21 days of the date of seizure; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Labeled "Vehicle Report" and include, without limitation:

(1) A description of the vehicle;

(2) The place and date of seizure;

(3) The name and address of the owner or operator of the vehicle at the time of seizure; and

(4) The name and address of any other person who appears to have an ownership interest in the vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Storage of seized motor vehicles.** A seized motor vehicle must be held in secure storage by the seizing agency or at the direction of the prosecuting official until disposition of the underlying criminal charges. The State shall assume all costs of storage of a vehicle not forfeited.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Records of seized motor vehicles.** An officer, department or agency having custody of a motor vehicle subject to forfeiture or having disposed of the vehicle shall maintain complete records showing:

A. From whom the motor vehicle was received; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Under what authority the motor vehicle was held, received or disposed of; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. To whom the motor vehicle was delivered; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. The date and manner of destruction or disposition of the motor vehicle. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Rules.** The Attorney General shall adopt rules in accordance with Title 5, chapter 375, for the disposition to state, county and municipal agencies of forfeited motor vehicles.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2009, c. 447, §43 (AMD).

## §2422. IMPOUNDMENT OF MOTOR VEHICLES FOR OUI

**1. Impoundment of vehicle.** A motor vehicle may be seized if it is used by a person arrested for a violation of:

A. Section 2411; or [1997, c. 417, §1 (NEW).]

B. Section 2412-A, when the suspension or revocation was for OUI or an OUI offense. [1997, c. 417, §1 (NEW).]

[ 1997, c. 417, §1 (NEW) .]

**2. Storage.** If a motor vehicle is seized, it must be held in secure storage by the seizing agency or at the direction of the arresting law enforcement officer.

[ 1997, c. 417, §1 (NEW) .]

**3. Release of vehicle.** The motor vehicle may be released after at least an 8-hour period and payment of any towing and storage fees.

[ 1997, c. 417, §1 (NEW) .]

#### SECTION HISTORY

1995, c. 368, §AAA14 (NEW). 1997, c. 417, §1 (RPR).

## Article 3: JUDICIAL PROCEDURES

## §2431. EVIDENTIARY RULES

**1. Test results.** Test results showing a confirmed positive drug or metabolite presence in blood or urine or alcohol level at the time alleged are admissible in evidence. Failure to comply with the provisions of sections 2521 and 2523 may not, by itself, result in the exclusion of evidence of alcohol level or confirmed positive drug or metabolite presence, unless the evidence is determined to be not sufficiently reliable.

[ 2011, c. 335, §3 (AMD) .]

**2. Analysis of blood, breath and urine.** The following provisions apply to the analysis of blood, breath and urine, and the use of that analysis as evidence.

A. A person certified in accordance with section 2524 conducting a chemical analysis of blood, breath or urine to determine an alcohol level or the presence of a drug or drug metabolite may issue a certificate stating the results of the analysis. [2013, c. 459, §3 (AMD).]

B. A person qualified to operate a self-contained, breath-alcohol testing apparatus may issue a certificate stating the results of the analysis. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A certificate issued in accordance with paragraph A or B, when duly signed and sworn, is prima facie evidence that:

- (1) The person taking the specimen was authorized to do so;
- (2) Materials used in the taking of the specimen were of a quality appropriate for the purpose of producing reliable test results as determined by the Department of Health and Human Services;
- (3) Materials required to be approved by the Department of Health and Human Services were in fact approved;
- (4) The sample tested was in fact the same sample taken from the defendant; and
- (5) The alcohol level or the presence of a drug or drug metabolite in the blood or urine of the defendant at the time the sample was taken was as stated in the certificate. [2013, c. 459, §3 (AMD).]

D. With 10 days written notice to the prosecution, the defendant may request that a qualified witness testify to the matters of which the certificate constitutes prima facie evidence. The notice must specify those matters concerning which the defendant requests testimony. The certificate is not prima facie evidence of those matters. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. A person drawing a specimen of blood may issue a certificate that states that the person is in fact qualified under section 2524 and that the proper procedure for drawing a specimen of blood was followed. That certificate, when signed and sworn to by the person, is prima facie evidence of its contents unless, with 10 days' written notice to the prosecution, the defendant requests that the person testify. [2013, c. 459, §3 (AMD).]

F. Evidence that the urine sample was in a sealed carton bearing the Department of Health and Human Services' stamp of approval is prima facie evidence that the equipment was approved by the Department of Health and Human Services. [2013, c. 459, §3 (AMD).]

G. The results of a self-contained breath-alcohol apparatus test is prima facie evidence of an alcohol level. [2009, c. 447, §47 (AMD).]

H. Evidence that the self-contained breath-alcohol testing equipment bearing the Department of Health and Human Services' stamp of approval is prima facie evidence that the equipment was approved by the Department of Health and Human Services. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 2003, c. 689, Pt. B, §6 (REV).]

I. Evidence that materials used in operating or checking the operation of the self-contained breath-alcohol testing equipment bore a statement of the manufacturer or of the Department of Health and Human Services is prima facie evidence that the materials were of the composition and quality stated. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 2003, c. 689, Pt. B, §6 (REV).]

J. Transfer of sample specimens to and from a laboratory for purposes of analysis by certified or registered mail complies with all requirements regarding the continuity of custody of physical evidence. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

K. The prosecution is not required to produce expert testimony regarding the functioning of self-contained breath-alcohol testing apparatus before test results are admissible, if sufficient evidence is offered to satisfy paragraphs H and I. [2001, c. 361, §32 (AMD).]

[ 2013, c. 459, §3 (AMD) . ]

**3. Failure as evidence.** Failure of a person to submit to a chemical test is admissible in evidence on the issue of whether that person was under the influence of intoxicants.

If the law enforcement officer fails to give the required warnings, the failure of the person to submit to a chemical test is not admissible, except when a test was required under section 2522.

If a failure to submit to a chemical test is not admitted into evidence, the court may inform the jury that no test result is available.

If a test result is not available for a reason other than failing to submit to a chemical test, the unavailability and the reason is admissible in evidence.

[ 1995, c. 368, Pt. AAA, §15 (AMD) .]

**4. Statements by accused.** A statement by a person as to name or date of birth, or the name or date of birth contained on a driver's license surrendered by that person, is admissible in a proceeding under this Title.

A statement of the person's name or date of birth constitutes sufficient proof by itself, without further proof of corpus delicti.

A statement by a defendant that the defendant was the operator of a motor vehicle is admissible in a proceeding under section 2411, section 2412-A, former section 2557, section 2557-A or section 2558, if it is made voluntarily and is otherwise admissible under the United States Constitution or the Constitution of Maine. The statement may constitute sufficient proof by itself, without further proof of corpus delicti, that the motor vehicle was operated by the defendant.

[ 2005, c. 606, Pt. B, §5 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A117 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 368, §AAA15 (AMD). 1997, c. 776, §§45,46 (AMD). 2001, c. 361, §32 (AMD). 2003, c. 689, §B6 (REV). 2005, c. 606, §B5 (AMD). 2009, c. 447, §§44-47 (AMD). 2011, c. 335, §3 (AMD). 2013, c. 459, §3 (AMD).

## §2432. ALCOHOL LEVEL; CONFIRMED POSITIVE DRUG OR METABOLITE TEST RESULTS; EVIDENTIARY WEIGHT

**1. Level less than 0.05 grams.** If a person has an alcohol level of 0.05 grams or less of alcohol per 100 milliliters of blood or 210 liters of breath, it is prima facie evidence that that person is not under the influence of alcohol.

[ 2009, c. 447, §48 (AMD) .]

**2. Level greater than 0.05 grams and less than 0.08 grams.** If a person has an alcohol level in excess of 0.05 grams of alcohol but less than 0.08 grams of alcohol per 100 milliliters of blood or 210 liters of breath, it is admissible evidence, but not prima facie, indicating whether or not that person is under the influence of intoxicants to be considered with other competent evidence, including evidence of a confirmed positive drug or metabolite test result.

[ 2011, c. 335, §4 (AMD) .]

**3. Level of 0.08 grams or greater.** In proceedings other than under section 2411, a person is presumed to be under the influence of intoxicants if that person has an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath.

[ 2009, c. 447, §48 (AMD) .]



**4. Confirmed presence of drug or drug metabolite.** If a person has a trace amount of any drug or the metabolites of any drug within the person's blood or urine in accordance with the drug reporting rules, standards, procedures and protocols adopted by the Department of Health and Human Services, it is admissible evidence, but not prima facie, indicating whether that person is under the influence of intoxicants to be considered with other competent evidence, including evidence of alcohol level.

[ 2013, c. 459, §4 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2009, c. 447, §48 (AMD). 2011, c. 335, §4 (AMD). 2013, c. 459, §4 (AMD).

## §2433. SENTENCING PROCEDURES

**1. Permissible considerations.** Notwithstanding the provisions of Title 17-A, section 9-A, in determining the appropriate sentence, the court shall consider whether the defendant operated with a passenger under 16 years of age, the record of convictions for criminal traffic offenses, adjudications of traffic infractions or suspensions of license for failure to submit to a test.

In determining the appropriate sentence, the court may rely on oral representations based on records maintained by the courts, the State Bureau of Identification or the Secretary of State, including telecommunications of records maintained by the Secretary of State.

If the defendant disputes the accuracy of a representation concerning a conviction or adjudication, the court shall grant a continuance to determine the accuracy of the record.

[ 1999, c. 196, §4 (AMD) .]

**2. Instructions at time of sentencing.** At the time of sentencing, the court shall provide the defendant with written instructions prepared by the Division of Driver Education Evaluation. The instructions must be written in plain and readable language and at a minimum include the following explanations:

A. The circumstances under which the Secretary of State may suspend a driver's license; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The different components of the process to have a driver's license restored, including a description of the components provided by state agencies and those provided by practitioners and counselors not employed by the State; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The role of the Driver Education Evaluation Program Appeals Board and the circumstances for an appeal to the board; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. The differences between the procedures applicable to first offenders and multiple offenders and adults and those under 21 years of age; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

E. When the Secretary of State may stay a suspension and grant a work-restricted license or other restricted or provisional license; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

F. The conditions of license restoration. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 196, §4 (AMD).

## §2434. NOTICE OF SUSPENSION BY COURT

The following provisions apply to any conviction for OUI or for any offense for which the court suspends a license or registration. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Notification by court.** The court shall inform the defendant of the suspension.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Acknowledgement of receipt of notice.** The defendant shall acknowledge this notice in writing on a form provided by the court.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Physical custody of license.** Unless the defendant appeals and a stay of execution of the suspension is granted, the court shall take physical custody of a license issued by this State or another state, foreign country or province if that person is residing or employed in this State. The court may take a license issued by another state, foreign country or province if the person is not residing or employed in this State. If the court is unable to take physical custody of the license at the time of sentencing, either because the suspension has been stayed pursuant to subsection 4 or for any other reason, the license is void at such time as is specified in the court order.

[ 2015, c. 158, §3 (AMD) .]

**4. Stay of suspension.** The court, on reasonable cause shown, may stay a suspension for a period not to exceed 4 hours from the time of sentencing and issue evidence of that stay, unless the defendant demonstrates that the defendant's license was previously restored by the Secretary of State following an administrative suspension under section 2453 for operating under the influence based on the same facts and circumstances giving rise to the court-ordered suspension, in which case the court may stay a suspension for up to 7 days.

[ 2011, c. 81, §2 (AMD) .]

**5. Forward documents to Secretary of State.** The court shall forward the license, a copy of the sentence and the acknowledgement of notice to the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Order return of certificate and plates.** The court shall order the return of the suspended registration certificate and plates to the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Additional time to surrender license.** On reasonable cause shown, the court may allow a person who does not possess the license at the time of sentencing up to 96 hours to surrender that license.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Commencement of suspension.** Notwithstanding section 2482, subsection 4, the period of suspension commences immediately on announcement of sentence. Two additional days of suspension must be added for each day after the license surrender day that a person fails to surrender the license to the court.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**9. Waiver of reinstatement fee.** On motion and for good cause shown, the court ordering a suspension under section 2605 or 2608 may waive the reinstatement fee.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**10. Failure to sign acknowledgment of notice or surrender license.** A person commits a Class E crime if that person:

A. Refuses to sign the acknowledgment of notice; or [2003, c. 452, Pt. Q, §88 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Without good cause, fails to surrender a license within the period of suspension. [2003, c. 452, Pt. Q, §88 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[ 2003, c. 452, Pt. Q, §88 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 452, §Q88 (AMD). 2003, c. 452, §X2 (AFF). 2011, c. 81, §2 (AMD). 2015, c. 158, §3 (AMD).

## §2435. STAY PENDING APPEAL

If a person's license is suspended as a result of a conviction of a crime other than under section 2411, or is suspended as a result of an adjudication of a traffic infraction and the person appeals from the conviction or adjudication, the execution of a suspension of the person's license must be stayed until disposition on appeal or withdrawal of the appeal, unless good cause is shown why the person should not be allowed to retain a license or right to operate. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## Subchapter 3: ADMINISTRATIVE ACTIONS

### Article 1: SUSPENSION AND REVOCATION

## §2451. SUSPENSIONS FOR OUI

**1. Recording and notice by Secretary of State.** On receipt of an attested copy of the court record of a suspension of a license for OUI, the Secretary of State shall immediately record the suspension and send written notice of the suspension to the person whose license has been suspended.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### 2. Court failure to suspend.

[ 1995, c. 368, Pt. AAA, §16 (RP) .]

**3. Suspension period.** Unless a longer period of suspension is otherwise provided by law and imposed by the court, the Secretary of State shall suspend the license of a person convicted of OUI for the following minimum periods:

- A. One hundred fifty days, if the person has one OUI conviction within a 10-year period; [ 2015, c. 329, Pt. A, §17 (RPR). ]
- B. Three years, if the person has 2 OUI offenses within a 10-year period; [ 2015, c. 329, Pt. A, §17 (RPR). ]
- C. Six years, if the person has 3 OUI offenses within a 10-year period; or [ 2015, c. 329, Pt. A, §17 (RPR). ]
- D. [ 2009, c. 54, §3 (RP); 2009, c. 415, Pt. C, §§2, 3 (AFF). ]
- E. Eight years, if the person has 4 or more OUI offenses within a 10-year period. [ 2015, c. 329, Pt. A, §17 (RPR). ]

For the purposes of this subsection, a conviction or suspension has occurred within a 10-year period if the date of the new conduct is within 10 years of a date of suspension or imposition of sentence.

[ 2015, c. 329, Pt. A, §17 (RPR) . ]

**4. Consecutive suspensions.** A suspension under this section is consecutive to a suspension for failure to submit to a test required by this chapter.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) . ]

**5. Additional period of suspension for transporting passengers under 21 years of age.** Unless a court orders an additional period of license suspension of 275 days pursuant to section 2411, subsection 5, paragraph G, the Secretary of State shall impose an additional suspension period of 275 days for any failure to submit to a chemical test or for OUI if the person was operating the motor vehicle at the time of the offense with a passenger under 21 years of age.

[ 1997, c. 737, §12 (NEW) . ]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §B22 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1995, c. 368, §§AAA16,17 (AMD). 1997, c. 737, §12 (AMD). 2009, c. 54, §§1-3 (AMD). 2009, c. 54, §7 (AFF). 2009, c. 415, Pt. C, §§2, 3 (AFF). 2013, c. 459, §5 (AMD). 2013, c. 604, §4 (AMD). 2015, c. 329, Pt. A, §17 (AMD).

## §2452. SUSPENSION OR REVOCATION OF SCHOOL BUS OPERATOR ENDORSEMENT

The Secretary of State shall: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

**1. Permanent revocation.** Permanently revoke the school bus operator endorsement of any person convicted of OUI who operated a school bus, private school activity bus or multifunction school activity bus, as defined in section 2301, during the commission of the offense;

[ 2013, c. 484, §3 (AMD) . ]

**2. Suspend for at least 3 years.** Suspend for a period of at least 3 years the school bus operator endorsement of any person convicted of a first OUI violation. The person whose school bus operator endorsement has been suspended for a first OUI violation may petition the Secretary of State to restore

the endorsement after one year of the suspension has been completed. The petition must include a recommendation from the school superintendent that the endorsement be restored. The Secretary of State may grant the petition with any conditions, restrictions or terms determined to be in the interest of highway safety; and

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Suspend for at least 6 years.** Suspend for a period of at least 6 years the school bus operator endorsement of any person convicted of a 2nd or subsequent OUI violation within a 10-year period as defined by section 2402.

[ 1995, c. 368, Pt. AAA, §18 (AMD) .]

This section applies to offenses that occur after the effective date of this section. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 368, §AAA18 (AMD). 2013, c. 484, §3 (AMD).

### §2453. SUSPENSION ON ADMINISTRATIVE DETERMINATION; EXCESSIVE ALCOHOL LEVEL

**1. Purpose.** The purpose of this section is:

A. To provide maximum safety for all persons who travel on or otherwise use the public ways; and  
[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. To remove quickly from public ways those persons who have shown themselves to be a safety hazard by operating a motor vehicle with an excessive alcohol level. [2009, c. 447, §49 (AMD).]

[ 2009, c. 447, §49 (AMD) .]

**2. Definition.** For the purposes of this section, "operating a motor vehicle with an excessive alcohol level" means operating a motor vehicle with an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath.

[ 2009, c. 447, §49 (AMD) .]

**3. Suspension.** The Secretary of State shall immediately suspend a license of a person determined to have operated a motor vehicle with an excessive alcohol level.

[ 2009, c. 447, §49 (AMD) .]

**4. Drug and alcohol program.** The Secretary of State may not suspend a license solely because a person has not satisfactorily completed an alcohol and drug program, as defined in subchapter 1. This limitation does not affect statutory restoration authority.

[ 2009, c. 447, §49 (AMD) .]

**5. Stay.** If, within 10 days from the effective date of the suspension, the Secretary of State receives a request in writing for a hearing in accordance with section 2483, the suspension is stayed until a hearing is held and a decision is issued.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Period of suspension.** The following periods of suspension apply.

A. The same suspension period applies as if the person were convicted of OUI. [2003, c. 434, §29 (AMD); 2003, c. 434, §37 (AFF).]

B. [1997, c. 737, §13 (RP).]

C. If a person's license is also suspended for an OUI conviction arising out of the same occurrence, the period of time the license has been suspended under this section prior to the conviction must be deducted from the period of time of a court-imposed suspension. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

D. The period of suspension is a minimum and the Secretary of State may suspend the license for an additional period under section 2451, subsection 3. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2003, c. 434, §29 (AMD); 2003, c. 434, §37 (AFF) .]

**7. Restoration of license.** The Secretary of State may issue a license or permit as follows.

A. Restoration of any license or permit to operate, right to operate a motor vehicle and right to apply for or obtain a license suspended under this section must be in accordance with sections 2502 to 2506. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Hearing.** The scope of the hearing must include whether:

A. The person operated a motor vehicle with an excessive alcohol level; and [2009, c. 447, §49 (AMD) .]

B. There was probable cause to believe that the person was operating a motor vehicle with an excessive alcohol level. [2009, c. 447, §49 (AMD) .]

[ 2009, c. 447, §49 (AMD) .]

## SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 737, §13 (AMD). 2003, c. 434, §29 (AMD). 2003, c. 434, §37 (AFF). 2009, c. 447, §49 (AMD).

**§2453-A. SUSPENSION ON ADMINISTRATIVE DETERMINATION; OPERATING UNDER THE INFLUENCE OF DRUGS****1. Purpose.** The purpose of this section is:

A. To provide maximum safety for all persons who travel on or otherwise use the public ways; and [2011, c. 335, §5 (NEW).]

B. To remove quickly from public ways those persons who have shown themselves to be a safety hazard by operating a motor vehicle while under the influence of drugs. [2011, c. 335, §5 (NEW).]

[ 2011, c. 335, §5 (NEW) .]

**2. Report of drug recognition expert.** A drug recognition expert certified in accordance with section 2526 who has probable cause to believe that a person was operating a motor vehicle under the influence of a specific category of drug, a combination of specific categories of drugs or a combination of alcohol and one or more specific categories of drugs shall send to the Secretary of State a report, under oath on a form approved by the Secretary of State, of all relevant information, including, but not limited to, the following:

A. Information adequately identifying the person who is the subject of the report; and [ 2011, c. 335, §5 (NEW). ]

B. The grounds the drug recognition expert had for probable cause to believe the person operated a motor vehicle while under the influence of drugs. [ 2011, c. 335, §5 (NEW). ]

Section 2481, subsections 2 and 3 apply to the report submitted by the drug recognition expert.

[ 2011, c. 335, §5 (NEW). ]

**3. Drug test.** The person who analyzed the drug or its metabolite in the blood or urine of the person who is the subject of the drug recognition expert's report under subsection 2 shall send a copy of a confirmed positive test result certificate to the Secretary of State.

[ 2011, c. 335, §5 (NEW). ]

**4. Suspension.** The Secretary of State shall immediately suspend a license of a person determined to have operated a motor vehicle under the influence of drugs.

[ 2011, c. 335, §5 (NEW). ]

**5. Period of suspension.** The following periods of suspension apply.

A. The same suspension period applies as if the person were convicted for OUI. [ 2011, c. 335, §5 (NEW). ]

B. If a person's license is also suspended for an OUI conviction arising out of the same occurrence, the period of time the license has been suspended pursuant to this section prior to the conviction must be deducted from the period of time of a court-imposed suspension. [ 2011, c. 335, §5 (NEW). ]

[ 2011, c. 335, §5 (NEW). ]

**6. Stay of suspension.** If, within 10 days from the effective date of the suspension, the Secretary of State receives a request in writing for a hearing in accordance with section 2483, the suspension is stayed until a hearing is held and a decision is issued.

[ 2011, c. 335, §5 (NEW). ]

**7. Hearing.** The scope of the hearing must include whether:

A. The person operated a motor vehicle with a confirmed positive blood or urine test for a drug or its metabolite; [ 2011, c. 335, §5 (NEW). ]

B. There was probable cause to believe that the person was operating a motor vehicle while under the influence of a specific category of drug, a combination of specific categories of drugs or a combination of alcohol and one or more specific categories of drugs; and [ 2011, c. 335, §5 (NEW). ]

C. The person operated a motor vehicle under the influence of the confirmed drug. [ 2011, c. 335, §5 (NEW). ]

[ 2011, c. 335, §5 (NEW). ]

**8. Restoration of license.** Restoration of any license or permit to operate, right to operate a motor vehicle and right to apply for or obtain a license suspended under this section must be in accordance with sections 2502 to 2506.

[ 2011, c. 335, §5 (NEW). ]

#### SECTION HISTORY

2011, c. 335, §5 (NEW).

## §2454. HOMICIDE; REVOCATION OF LICENSE

**1. Minimum revocation.** Subject to the longer period of revocation provided in subsection 2, the license of any person who, as a result of the operation of a motor vehicle in such a manner as to cause the death of any person, is convicted of criminal homicide or an attempt of criminal homicide, or who is adjudicated to have committed a juvenile offense of criminal homicide or an attempt of criminal homicide, must be revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing, for a period of at least 5 years.

[ 1995, c. 368, Pt. AAA, §19 (NEW) .]

**2. While under influence of alcohol or drugs.** The license of any person who, as a result of the operation of a motor vehicle in such a manner as to cause the death of any person, is convicted of criminal homicide or an attempt of criminal homicide, or who is adjudicated to have committed a juvenile offense of criminal homicide or an attempt of criminal homicide, must be permanently revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing, if the report by the district attorney pursuant to section 2455 shows the person was under the influence of intoxicants at the time of the offense.

[ 1995, c. 368, Pt. AAA, §19 (NEW) .]

**3. Appeal.** Unless the court orders otherwise, a person's license that is revoked pursuant to this section remains revoked during the course of any appeal.

[ 1995, c. 368, Pt. AAA, §19 (NEW) .]

**4. Pleas.** For the purposes of this section and section 2411, a person is deemed to have been convicted of criminal homicide or an attempt of criminal homicide if the person pleaded guilty or nolo contendere or was otherwise adjudged or found guilty by a court of competent jurisdiction or, in the case of a juvenile offender, the juvenile is deemed to have been adjudicated of having committed a juvenile offense of criminal homicide or an attempt of criminal homicide if the juvenile admits or was otherwise adjudged or found to have committed the juvenile offense by a court of competent jurisdiction.

[ 1995, c. 368, Pt. AAA, §19 (NEW) .]

**5. Petition for license reinstatement.** A person whose license is permanently revoked under subsection 2 may petition the Secretary of State for relicensure 10 years after the date the person is no longer incarcerated. The Secretary of State shall make the person's petition for relicensure known to the family of any victims of the person's offense and shall consider the family's testimony in determining whether to reissue the person a driver's license.

[ 1995, c. 368, Pt. AAA, §19 (NEW) .]

**6. Conviction following license reinstatement.** The license of a person whose license is reinstated pursuant to subsection 5 who is subsequently convicted for the offense defined in section 2411 must be revoked permanently by the Secretary of State and the Secretary of State may not relicense that person.

[ 1995, c. 368, Pt. AAA, §19 (NEW) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 368, §AAA19 (RPR).



## §2455. PROVISIONS REGARDING REVOCATION WHEN HOMICIDE IS ALCOHOL OR DRUG RELATED

**1. Report by district attorney.** The district attorney shall forward a report to the Secretary of State when any person is convicted of a criminal homicide or adjudicated to have committed a juvenile offense of criminal homicide as the result of that person's operation of a motor vehicle when:

A. The person was operating under the influence of intoxicating liquor or drugs, or with an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath; [ 2009, c. 447, §50 (AMD). ]

B. The person had not attained the legal drinking age and was operating a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath; [ 2009, c. 447, §50 (AMD). ]

C. There was probable cause to believe that the person was operating under the influence of intoxicating liquor or drugs and failed to comply with that person's duty to submit to and complete required chemical testing; or [ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

D. There was probable cause to believe that the person had not attained the legal drinking age and was operating a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath and failed to comply with the duty to submit to and complete a test to determine alcohol level. [ 2009, c. 447, §50 (AMD). ]

[ 2009, c. 447, §50 (AMD). ]

**2. Content of report.** The report required in subsection 1 must contain all relevant facts that formed the basis for the conviction or adjudication, including chemical test results if available.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

**3. Alcohol or drug programs.** Upon receipt of the report required in subsection 1, the Secretary of State shall require that the following conditions be met before that person may be licensed or permitted to operate a motor vehicle:

A. Satisfactory completion of the Driver Education and Evaluation Programs of the Department of Health and Human Services; [ 2011, c. 657, Pt. AA, §79 (AMD). ]

B. When required, satisfactory completion of a substance abuse treatment program or rehabilitation program approved or licensed by the Department of Health and Human Services; and [ 2003, c. 1, §31 (COR); 2003, c. 689, Pt. B, §6 (REV). ]

C. When required, attendance at an after-care program arranged by the approved treatment or rehabilitation program. [ 2001, c. 511, §4 (AMD). ]

[ 2011, c. 657, Pt. AA, §79 (AMD). ]

**4. Alcohol or drug programs following incarceration.** Any of the alcohol or drug programs required in subsection 3 may begin only upon release from a county jail or from a facility operated by the Department of Corrections.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF). ]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 645, §B20 (AMD). 2001, c. 511, §4 (AMD). RR 2003, c. 1, §31 (COR). 2003, c. 689, §B6 (REV). 2009, c. 447, §50 (AMD). 2011, c. 657, Pt. AA, §79 (AMD).

## §2456. NEGLIGENCELY CAUSING DEATH; ADMINISTRATIVE SUSPENSION

**1. Suspension.** The Secretary of State shall immediately suspend the license of a person who negligently operates a motor vehicle in a manner as to cause the death of a person:

A. While under the influence of intoxicants; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. While having an alcohol level of more than 0.08 grams per 100 milliliters of blood or 210 liters of breath; or [2009, c. 447, §51 (AMD).]

C. Who subsequently fails to submit to a test subject to penalty under section 2521. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2009, c. 447, §51 (AMD) .]

**2. Period of suspension.** The period of suspension is 3 years, consecutive to any suspension imposed by the Secretary of State for failure to take a test. If a suspended license is subsequently revoked under section 2454 on charges arising out of the same occurrence, the length of suspension actually served under this section is deducted from the period of revocation imposed pursuant to that section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Hearing issues.** A person whose license has been suspended under this section may request a hearing pursuant to section 2483. The scope of the hearing must include whether:

A. The person operated a motor vehicle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The person, at that time, had an excessive alcohol level, or was under the influence of intoxicants or may be penalized for failure to submit to required chemical testing; and [2009, c. 447, §52 (AMD) .]

C. The person's negligent operation caused the death of another person. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2009, c. 447, §52 (AMD) .]

**4. Civil proceeding.** On receipt of a certified copy of the civil tort judgment that the person did not negligently cause the death of the other person, the Secretary of State shall terminate the suspension.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2009, c. 447, §§51, 52 (AMD).

## §2457. CONDITIONAL LICENSE HOLDER; OUI

**1. Suspension.** The Secretary of State shall suspend for a minimum period of one year, without preliminary hearing, the conditional license issued pursuant to section 2506 of a person who while holding a conditional license:

A. Receives an OUI conviction; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. As the Secretary of State determines, has operated a motor vehicle while having an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath. [2009, c. 447, §53 (AMD).]

[2009, c. 447, §53 (AMD).]

**2. Duty to submit to test.** A person who operates a motor vehicle with a conditional license shall submit to a test if there is probable cause to believe that person holds a conditional license and operated a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath. The other provisions of subchapter 4 apply, except the suspension must be for a period of not less than 2 years.

[2009, c. 447, §54 (AMD).]

**3. Period of suspension.** The following provisions apply to suspensions of conditional licenses.

A. When a license is also suspended for an OUI conviction arising out of the same occurrence, the duration of the suspension under this section prior to the conviction is deducted from the period of a court-imposed suspension unless suspension was for failure to submit to a test. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. If the suspension is for failure to submit to a test, the period of suspension for an OUI conviction must be consecutive to the period of suspension imposed for refusal. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. If a person is determined to have operated a motor vehicle with an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath and both this section and section 2453 apply, the longer period of suspension applies. [2009, c. 447, §55 (AMD).]

[2009, c. 447, §55 (AMD).]

**4. Hearing; stay; issues.** If a hearing is requested in accordance with section 2483, the suspension under subsection 1, paragraph B is stayed pending the outcome of the hearing. The scope of the hearing must include whether:

A. The person operated a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath; [2009, c. 447, §56 (AMD).]

B. There was probable cause to believe that the person was operating with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath; and [2009, c. 447, §56 (AMD).]

C. The person held a conditional license. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[2009, c. 447, §56 (AMD).]

**5. Restoration of license.** Following the expiration of the aggregate periods of suspension imposed pursuant to this section otherwise imposed by the Secretary of State and ordered by any court, the Secretary of State may issue a conditional license to the person, subject to the conditions, restrictions or terms the Secretary of State determines advisable, if the Secretary of State has received written notice that the person has satisfactorily completed the Driver Education and Evaluation Program established in Title 5, section 20072 and, when required, has satisfactorily completed an alcohol treatment or rehabilitation program approved or licensed by the Department of Health and Human Services.

[2001, c. 511, §5 (AMD); 2003, c. 689, Pt. B, §6 (REV).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 368, §§AAA20-22 (AMD). 2001, c. 511, §5 (AMD). 2003, c. 689, §B6 (REV). 2009, c. 447, §§53-56 (AMD).

## §2458. SUSPENSION OR REVOCATION OF LICENSE, TITLE, REGISTRATION OR FUEL USE DECAL

**1. Suspension or revocation after hearing.** The Secretary of State, after hearing, may suspend or revoke a certificate of title, certificate of registration, license, fuel use decal or privilege to operate a commercial motor vehicle for any cause considered by the Secretary of State to be sufficient.

[ 2009, c. 598, §43 (AMD) .]

**2. Suspension or revocation without hearing.** The Secretary of State, without preliminary hearing, may suspend or revoke a certificate of title, certificate of registration, license, fuel use decal or privilege to operate a commercial motor vehicle of a person on showing by the Secretary of State's records or other sufficient evidence that the person:

- A. Has committed an offense for which mandatory suspension or revocation of license or registration is required; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- B. Has been convicted or adjudicated for offenses against traffic regulations governing the movement of vehicles with such frequency as to indicate a disrespect for traffic laws and disregard for the safety of other persons on public ways; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- C. Is a reckless or negligent driver of a motor vehicle, as established by the demerit point system authorized by subsection 3, a record of accidents or other evidence; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- D. Is incompetent to drive a motor vehicle; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- E. Has permitted an unlawful or fraudulent use of a license; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- F. Has committed an offense in a jurisdiction of the United States or a province that, if committed in this State, would be grounds for suspension or revocation; [1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. B, §23 (AMD); 1995, c. 65, Pt. C, §15 (AFF).]
- G. Has been convicted of failing to stop for a police officer; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- H. Has been convicted of reckless driving or driving to endanger under section 2413; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- I. Has failed to appear in court on the day specified, either in person or by counsel, after being ordered to do so to answer any violation of chapter 5, subchapter 2; [2009, c. 598, §44 (AMD).]
- J. Has failed to provide sufficient proof of ownership or other documentation in support of the person's title claim; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- K. Is subject to action of the Secretary of State pursuant to section 154 or section 668; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]
- L. Has failed to provide proof of payment of the use tax imposed by the United States Internal Revenue Code of 1954, Section 4481, within time periods established by federal statute and regulations; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

M. Has violated a provision of the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, Title XII, or rules and regulations promulgated and adopted under that Act; [1995, c. 65, Pt. A, §118 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF).]

N. Has failed to surrender to the Secretary of State a commercial driver's license that has been suspended or revoked; [1997, c. 776, §47 (AMD).]

O. Has a license, permit or the privilege to apply for or obtain a license suspended or revoked by a jurisdiction of the United States or a province; [2003, c. 25, §1 (AMD).]

P. Has failed to provide a valid social security number pursuant to section 1301; [2003, c. 434, §30 (AMD); 2003, c. 434, §37 (AFF).]

Q. Has, as a condition of bail pursuant to Title 15, chapter 105-A or, if a juvenile, as a condition of release pursuant to Title 15, chapter 505, been ordered not to operate a motor vehicle. If the conditions of bail or release allow a person to operate a motor vehicle only under certain conditions or with restrictions on time, place or purpose, the Secretary of State may, without hearing, issue a restricted license reflecting the restrictions imposed; [2005, c. 433, §22 (AMD); 2005, c. 433, §28 (AFF).]

R. Is not in compliance with the conditions and requirements of the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, Public Law 107-56, 115 Stat. 272; [2005, c. 433, §23 (AMD); 2005, c. 433, §28 (AFF).]

S. Has failed to deliver or assign the certificate of title upon the request of the Secretary of State; [2005, c. 433, §24 (NEW); 2005, c. 433, §28 (AFF).]

T. Has failed to comply with the provisions of Title 36, chapter 459; or [2007, c. 438, §3 (AMD).]

U. Has failed to provide the information required in section 401, subsection 2. [2005, c. 433, §24 (NEW); 2005, c. 433, §28 (AFF).]

[ 2009, c. 598, §44 (AMD) .]

**2-A. Minimum suspension for negligent operation.** The Secretary of State without preliminary hearing shall suspend for a period of at least 3 years a person's license if the Secretary of State, based on the Secretary of State's records or other sufficient evidence, finds that person to have negligently operated a motor vehicle in a manner so as to cause the death of another person. Prior to the determination and issuance of the suspension, the Secretary of State shall notify any family of the victim and shall consider written or oral statements received from the family in response to the notice. Upon suspending the person's license, the Secretary of State shall notify that person of an opportunity for hearing as provided in section 2483. If a person whose license is suspended under this subsection requests a hearing, the suspension is stayed pursuant to section 2483.

[ 2015, c. 13, §1 (AMD) .]

**3. Demerit point system.** For the purpose of identifying reckless or negligent operators and habitual or frequent violators of traffic regulations, the Secretary of State shall adopt rules establishing a uniform system of assigning demerit points for convictions or adjudications of violations of statutes or rules governing the operation of motor vehicles, including violations of Title 17-A, section 360, subsection 1, paragraphs A and B.

The rules must include a designated level of point accumulation that identifies those drivers.

The Secretary of State may assess points for convictions or adjudications in other states or provinces of offenses that, if committed in this State, would be grounds for assessment.

Notice of assessment of points must be given when the point accumulation reaches 50% of the number at which suspension is authorized.

Points may not be assessed for violating a provision of this Title or a municipal ordinance regulating standing, parking, equipment, size or weight.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Notice of hearing.** Upon suspending or revoking a certificate of title, certificate of registration, license or fuel use decal pursuant to subsection 2, the Secretary of State shall notify that person of opportunity for hearing as provided in section 2483, except when:

A. The suspension or revocation rests solely upon a conviction in court of an offense that by statute is expressly made grounds for that suspension or revocation; [2003, c. 434, §33 (NEW); 2003, c. 434, §37 (AFF) .]

B. The basis of the Secretary of State's action is a condition of bail or conditional release pursuant to subsection 2, paragraph Q; or [2003, c. 434, §33 (NEW); 2003, c. 434, §37 (AFF) .]

C. The suspension or revocation is required by federal statute or regulation. [2003, c. 434, §33 (NEW); 2003, c. 434, §37 (AFF) .]

[ 2003, c. 434, §33 (AMD); 2003, c. 434, §37 (AFF) .]

**5. Penalty.** A person commits a Class E crime if that person:

A. Recklessly or with criminal negligence fails upon request to disclose to the Secretary of State information required under subsection 6; [2003, c. 452, Pt. Q, §89 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

B. After notice of suspension, revocation or cancellation fails to obey an order of the Secretary of State under this section. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A; or [2003, c. 452, Pt. Q, §89 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

C. Fails to surrender to the Secretary of State on demand a license, certificate of title, certificate of registration or fuel use decal that has been suspended, revoked or cancelled by proper authority. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [2003, c. 452, Pt. Q, §89 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

[ 2003, c. 452, Pt. Q, §89 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

**6. Suspension and revocation of related entities.** If the license or authority to engage in a business or commercial activity is suspended, the suspension applies to any related individual or related entity unless the requirements of paragraph C are met.

A. For the purposes of this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Entity" means a corporation, firm, partnership, sole proprietorship, joint venture, association, fiduciary, trust, estate or any other legal or commercial entity.

(2) "Related entity" includes:

(a) All entities owned, operated or controlled by the person or named entity, by related individuals, by any person who is an officer or director of the named entity or by shareholders of the named entity;

(b) Any entity that has as an officer, director or partner an individual whose license or authority to engage in the business or commercial activity has been suspended;

(c) Any entity that has an officer, partner or 25% of its directors in common with the named entity; and

(d) Any entity in which 25% of the outstanding shares are owned or controlled by the suspended person or by an individual, related individual or entity who, taken together, also owned 25% or more of the outstanding shares of the named entity.

(3) "Related individual" means a spouse, domestic partner, parent, grandparent, sibling, child or grandchild, whether by blood or marriage, of a person whose license or authority to engage in the business or commercial activity has been suspended.

(4) "Suspension" means a suspension or revocation. [2015, c. 473, §19 (AMD).]

B. When the Secretary of State's suspension is based on a recommendation of the Motor Carrier Review Board, the board also shall make a recommendation on suspension of related entities. [1997, c. 111, §2 (NEW).]

C. If the related entity is able to satisfy the Secretary of State, by a preponderance of the evidence, that it is not, in fact, controlled by the suspended person, by related individuals, or by the named entity or its officers, partners or shareholders or that the actual operation of the related entity does not pose a risk to public safety, the Secretary of State shall exclude the related entity from the suspension. [1997, c. 111, §2 (NEW).]

D. The Secretary of State may require individuals and entities subject to suspension and the officers, directors and partners of those entities to disclose, under oath, the relationships between the individual or the entity, its officers, directors, partners and shareholders and those of other entities. [1997, c. 111, §2 (NEW).]

E. Any entity that would have been suspended as a related entity but for the failure or refusal of the suspended person or named entity or its officers, directors or partners to disclose the required information is nevertheless suspended and subject to the same penalties and sanctions as the suspended person or the named entity for violation of the suspension. If an entity becomes a related entity or is created after the Secretary of State has made the decision to suspend or after the Motor Carrier Review Board makes its recommendation to suspend, the Secretary of State may immediately suspend the related entity. [1997, c. 111, §2 (NEW).]

[2015, c. 473, §19 (AMD).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §§A118, B23, 24 (AMD). 1995, c. 65, §§A153, C15 (AFF). 1995, c. 482, §A27 (AMD). 1997, c. 111, §§1, 2 (AMD). 1997, c. 776, §§47-49 (AMD). 1999, c. 414, §3 (AMD). 2003, c. 25, §§1-4 (AMD). 2003, c. 434, §§30-33 (AMD). 2003, c. 434, §37 (AFF). 2003, c. 452, §Q89 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 433, §§22-25 (AMD). 2005, c. 433, §28 (AFF). 2007, c. 438, §3 (AMD). 2007, c. 486, §1 (AMD). 2009, c. 598, §§43, 44 (AMD). 2015, c. 13, §1 (AMD). 2015, c. 473, §19 (AMD).

### §2459. SUSPENSION FOR FAILURE TO MEET FAMILY FINANCIAL RESPONSIBILITY

**1. Compliance with support orders.** In addition to other qualifications and conditions established by this Title, the right of an individual to hold a motor vehicle operator's license or permit issued by the State is subject to the requirements of Title 19-A, section 2202.

[1995, c. 694, Pt. D, §54 (AMD); 1995, c. 694, Pt. E, §2 (AFF).]

**2. Certification of noncompliance.** Upon receipt of a written certification from the Commissioner of Health and Human Services, as provided for in Title 19-A, section 2202, subsection 7, that a support obligor who owns or operates a motor vehicle is not in compliance with a court order of support, the Secretary of State shall suspend the license and right to operate and obtain the license of the individual so certified. The Secretary of State may not reinstate an operator's license suspended for noncompliance with a court order of support until the Commissioner of Health and Human Services issues a release that states the obligor is in compliance with a court order of support or the court orders reinstatement.

[ 1995, c. 694, Pt. D, §54 (AMD); 1995, c. 694, Pt. E, §2 (AFF); 2003, c. 689, Pt. B, §7 (REV) .]

**3. Notice of suspension.** Upon suspending an individual's license, permit or privilege to operate under subsection 2, the Secretary of State shall notify the individual of the suspension. A notice of suspension must specify the reason and statutory grounds for the suspension and the effective date of the suspension and may include any other notices prescribed by the Secretary of State. The notice must inform the individual that in order to apply for reinstatement, the individual must obtain a release from the Department of Health and Human Services. The notice must inform the individual that the individual may file a petition for judicial review of the notice of suspension in Superior Court within 30 days of receipt of the notice. Notwithstanding any other provision of law, Title 5, section 9052, subsection 1 does not apply to a notice of suspension issued under this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 2003, c. 689, Pt. B, §6 (REV) .]

**4. Temporary license.** Upon being presented with a conditional release issued by the Commissioner of Health and Human Services and at the request of an individual whose operator's license, permit or privilege to operate has been suspended under this section, the Secretary of State may issue the individual a temporary license valid for a period not to exceed 120 days.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 2003, c. 689, Pt. B, §7 (REV) .]

**5. Rules.** The Secretary of State shall adopt rules to implement and enforce the requirements of this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Costs.** The Department of Health and Human Services shall indemnify the Secretary of State for legal expenses incurred in defending the Secretary of State's actions to comply with the requirements of this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 2003, c. 689, Pt. B, §6 (REV) .]

**7. Agreement.** The Secretary of State and the Department of Health and Human Services may enter into an agreement to carry out the requirements of this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 2003, c. 689, Pt. B, §6 (REV) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 694, §D54 (AMD). 1995, c. 694, §E2 (AFF). 2003, c. 689, §§B6,7 (REV).



## **§2459-A. SUSPENSION OF LICENSE FOR FAILURE TO MEET FAMILY FINANCIAL RESPONSIBILITY; PENOBSCOT NATION**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Penobscot Nation" means the Penobscot Nation Tribal Court or the entity authorized by the governing body of the Penobscot Nation pursuant to Title 30, section 6209-B to exercise jurisdiction over child support enforcement matters. [ 2013, c. 479, §1 (NEW) . ]

B. "Support obligor" means an individual who owes a duty of support and over whom the Penobscot Nation has jurisdiction. [ 2013, c. 479, §1 (NEW) . ]

C. "Support order" means a judgment, decree or order, whether temporary, final or subject to modification, issued by the Penobscot Nation for the support and maintenance of a child or a child and the parent with whom the child is living that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief. [ 2013, c. 479, §1 (NEW) . ]

[ 2013, c. 479, §1 (NEW) . ]

**2. Compliance with support orders.** In addition to other qualifications and conditions established by this Title, the right of an individual subject to the jurisdiction of the Penobscot Nation to hold a motor vehicle operator's license or permit issued by the State is subject to the requirements of this section.

[ 2013, c. 479, §1 (NEW) . ]

**3. Certification of noncompliance.** Upon receipt of a written certification from the Penobscot Nation that a support obligor who owns or operates a motor vehicle is not in compliance with a support order, the Secretary of State shall suspend the license and right to operate and obtain the license of the individual so certified. The Secretary of State may not reinstate an operator's license suspended for noncompliance with a support order until the Penobscot Nation issues a release that states the support obligor is in compliance with the support order or the Penobscot Nation orders reinstatement.

[ 2013, c. 479, §1 (NEW) . ]

**4. Notice of suspension.** Upon suspending an individual's license, permit or privilege to operate under subsection 3, the Secretary of State shall notify the individual of the suspension. A notice of suspension must specify the reason and statutory grounds for the suspension and the effective date of the suspension and may include any other notices prescribed by the Secretary of State. The notice must inform the individual that in order to apply for reinstatement, the individual must obtain a release from the Penobscot Nation. The notice must inform the individual that the individual may file a petition for judicial review of the notice of suspension in the Superior Court within 30 days of receipt of the notice. Notwithstanding any other provision of law, Title 5, section 9052, subsection 1 does not apply to a notice of suspension issued under this section.

[ 2013, c. 479, §1 (NEW) . ]

**5. Temporary license.** Upon being presented with a conditional release issued by the Penobscot Nation and at the request of an individual whose operator's license, permit or privilege to operate has been suspended under this section, the Secretary of State may issue the individual a temporary license valid for a period not to exceed 120 days.

[ 2013, c. 479, §1 (NEW) . ]

**6. Rules.** The Secretary of State shall adopt rules to implement and enforce the requirements of this section. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

[ 2013, c. 479, §1 (NEW) .]

**7. Agreement.** The Secretary of State and the Penobscot Nation may enter into an agreement to carry out the requirements of this section.

[ 2013, c. 479, §1 (NEW) .]

#### SECTION HISTORY

2013, c. 479, §1 (NEW).

## §2460. RECIPROCITY

**1. Resident driver's license.** The Secretary of State may suspend a resident driver's license or certificate of registration and plates if the resident has failed to:

A. Respond to a traffic citation issued by another state or province; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Appear in court in another state or province at the time specified by the court; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Comply with a court order issued by another state or province. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Suspension by another jurisdiction.** If the Secretary of State is notified by another jurisdiction that a resident has had a license or registration suspended, revoked or annulled, the Secretary of State may suspend license or registration granted to that person in this State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Nonresident violator compacts.** The Secretary of State may enter into and carry out the provisions of a nonresident violator compact with any jurisdiction of the United States or province.

[ 1995, c. 65, Pt. A, §119 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A119 (AMD). 1995, c. 65, §§A153,C15 (AFF).

## §2461. SUSPENSION FOR NONRESIDENT OWNER OR OPERATOR

**1. Suspension by Secretary of State.** The Secretary of State may suspend the right of a nonresident owner or operator to operate a vehicle in this State for the same cause and under the same condition and in the same manner as that action could be taken against a resident owner or operator of a vehicle registered in this State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Effect of suspension.** Upon suspension, the right of the nonresident owner or operator to operate a vehicle in this State terminates. The nonresident is subject to the same penalties as a resident who operates without a license or registration.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Notice of suspension.** Notice of the suspension of a nonresident's right to operate must be sent to the motor vehicle department of the jurisdiction that issued the license or registration.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

### §2462. ADMINISTRATIVE EXTENSION OF SUSPENSION

The Secretary of State may impose an additional period of suspension under section 2451, subsection 3, or may extend a period of suspension until satisfaction of any conditions imposed pursuant to article 4.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

### §2463. REVOCATIONS UPON CONVICTION OF CERTAIN CRIMES UNDER MAINE CRIMINAL CODE

**1. Recording; notice by the Secretary of State.** On receipt of an attested copy of the court record of any person who, as a result of the operation of a motor vehicle in such a manner as to cause serious bodily injury or bodily injury to any person or create a substantial risk of serious bodily injury or place another person in fear of imminent bodily injury, has been convicted of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat, or who has been adjudicated to have committed the juvenile offenses of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat, the Secretary of State shall immediately revoke the person's license without further hearing for an indefinite period of time.

[ 2001, c. 14, §1 (NEW) .]

**2. Appeal.** Unless the court orders otherwise, a person's license that is revoked pursuant to this section remains revoked during the course of any appeal.

[ 2001, c. 14, §1 (NEW) .]

**3. Pleas.** For the purposes of this section, a person is deemed to have been convicted of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat if the person pleaded guilty or nolo contendere or was otherwise adjudged or found guilty by a court of competent jurisdiction. In the case of a juvenile offender, the juvenile is deemed to have been adjudicated of having committed a juvenile offense of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat if the juvenile admits to the juvenile offense or was otherwise adjudged or found to have committed the juvenile offense by a court of competent jurisdiction.

[ 2001, c. 14, §1 (NEW) .]

**4. Notification.** The court shall send an attested copy of the record of any person convicted of a crime enumerated in this section to the Secretary of State.

[ 2001, c. 14, §1 (NEW) .]

**5. Petition for relicensure.** A person whose license is revoked pursuant to this section may petition the Secretary of State for relicensure:

A. Three years after that person has been finally discharged from any unsuspended initial period of incarceration as a result of the person's conviction or adjudication for a Class A, B or C crime or juvenile offense; [2001, c. 14, §1 (NEW).]

B. Two years after that person has been finally discharged from any unsuspended initial period of incarceration as a result of that person's conviction or adjudication for a Class D crime or juvenile offense; or [2001, c. 14, §1 (NEW).]

C. One year after that person has been finally discharged from any unsuspended initial period of incarceration as a result of that person's conviction or adjudication for a Class E crime or juvenile offense. [2001, c. 14, §1 (NEW).]

[ 2001, c. 14, §1 (NEW) .]

#### SECTION HISTORY

2001, c. 14, §1 (NEW).

## §2464. CAUSING SERIOUS BODILY INJURY OR DEATH WHILE LICENSE IS SUSPENDED OR REVOKED

**1. Accident involving injury; penalty.** A person who, while knowingly operating with a suspended or revoked license, in fact causes serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person commits a Class C crime.

[ 2005, c. 606, Pt. A, §5 (NEW) .]

**2. Accident involving death; penalty.** A person who, while knowingly operating with a suspended or revoked license, in fact causes the death of another person commits a Class B crime.

[ 2005, c. 606, Pt. A, §5 (NEW) .]

**3. Pleading and proof.** The State must prove that the defendant's operation of the motor vehicle caused the serious bodily injury under subsection 1 or death under subsection 2. The court shall apply Title 17-A, section 33 in assessing any causation under this section.

[ 2005, c. 606, Pt. A, §5 (NEW) .]

**4. License suspension.** Upon receipt of notice of conviction, the Secretary of State shall immediately suspend the license of a person who violates subsection 1 or 2. Notwithstanding any provision of law that imposes a period of license suspension shorter than that specified in this subsection, a person who violates this section is subject to the following period of license suspension:

A. For a violation of subsection 1, 5 years; and [2005, c. 606, Pt. A, §5 (NEW).]

B. For a violation of subsection 2, 10 years. [2005, c. 606, Pt. A, §5 (NEW).]

The period of suspension imposed pursuant to this subsection is consecutive to any suspension previously imposed by the Secretary of State or the court pursuant to this chapter.

[ 2005, c. 606, Pt. A, §5 (NEW) .]

#### SECTION HISTORY

2005, c. 606, §A5 (NEW).

## Article 2: PROVISIONAL LICENSE

### §2471. ADULT PROVISIONAL LICENSE

**1. Adult provisional license.** An original license issued to a new applicant 21 years of age or older is a provisional license for a period of one year following the date of issue. That license remains in force as a nonprovisional license to the next normal expiration date.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Suspension terms.** If a person is convicted or adjudicated of a moving motor vehicle violation that occurred during the period of the provisional license, the Secretary of State shall suspend the license:

A. For 30 days on the 1st offense; [ 2003, c. 286, §5 (AMD) .]

B. For 60 days on the 2nd offense; and [ 2003, c. 286, §5 (AMD) .]

C. For 90 days on the 3rd or subsequent offense. [ 2007, c. 383, §29 (AMD) .]

If requested, the Secretary of State shall provide an opportunity for a hearing on the suspension as soon as practicable. After the hearing, the Secretary of State, for good cause shown, may continue, modify or rescind the suspension.

[ 2013, c. 381, Pt. B, §29 (AMD) .]

#### SECTION HISTORY

1993, c. 683, Pt. A, §2 (NEW). 1993, c. 683, Pt. B, §5 (AFF). 1997, c. 737, §14 (AMD). 2003, c. 286, §5 (AMD). 2007, c. 383, §29 (AMD). 2013, c. 381, Pt. B, §29 (AMD).

### §2472. JUVENILE PROVISIONAL LICENSE

**1. Licensee not yet 21 years of age.** A license issued to a person who has not yet attained the age of 21 years is a provisional license for a period of 2 years following the date of issue or until the holder attains 21 years of age, whichever occurs last. That license remains in force as a nonprovisional license to the next normal expiration date. A license issued by another jurisdiction to a person who has not yet attained the age of 21 years is a provisional license for the purpose of operating a motor vehicle within this State.

A license of a person who has not yet attained 21 years of age includes the condition that the person not operate a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath. When a person who has not yet attained 21 years of age operates a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath, the provisions of section 1251, subsection 1, paragraph B apply.

[ 2009, c. 447, §57 (AMD) .]

**2. Suspension terms for moving violations.** If a person who has not yet attained the age of 21 years is convicted or adjudicated of a moving motor vehicle violation that occurred within 2 years from the date of issue of a juvenile provisional license, the Secretary of State shall suspend the license:

- A. For 30 days on the 1st offense; [2003, c. 286, §6 (AMD).]
- B. For 180 days on the 2nd offense; and [2011, c. 654, §10 (AMD).]
- C. For one year on the 3rd or subsequent offense. [2011, c. 654, §10 (AMD).]

If requested, the Secretary of State shall provide an opportunity for hearing on the suspension as soon as practicable. After hearing, the Secretary of State, for good cause shown, may continue, modify or rescind the suspension. An individual who has not yet attained the age of 18 years does not have a right to a hearing.

[2011, c. 654, §10 (AMD).]

**2-A. Driver improvement program.** A person whose license is suspended pursuant to subsection 2 shall complete a minimum of 4 hours of a driver improvement program approved by the Secretary of State before the suspension may be terminated.

[2011, c. 654, §11 (NEW); 2011, c. 654, §16 (AFF).]

**2-B. Reexamination.** The holder of a juvenile provisional license convicted of an offense listed in section 2551-A, subsection 1, paragraph A, as limited by section 2551-A, subsection 3, must successfully complete an examination pursuant to section 1301, subsection 4 as prescribed by the Secretary of State within 90 days after that license is restored. Failure to successfully complete the examination results in a subsequent suspension.

[2013, c. 496, §16 (AMD).]

**3. Suspension for OUI conviction, certain alcohol level or operating under the influence of drugs.**

The Secretary of State shall suspend, without preliminary hearing, a juvenile provisional license of a person who:

- A. Receives an OUI conviction; [2011, c. 335, §6 (AMD).]
- B. Operates a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath; or [2011, c. 335, §6 (AMD).]
- C. Operates a motor vehicle under the influence of drugs. [2011, c. 335, §6 (NEW).]

[2011, c. 335, §6 (AMD).]

**3-A. Juvenile provisional license; suspension for OUI conviction or certain alcohol level.** Unless a longer period of suspension applies, the Secretary of State shall suspend, without a preliminary hearing, a juvenile provisional license pursuant to subsection 3 for the following periods:

- A. One year for a first offense; and [1997, c. 737, §18 (NEW).]
- B. Two years for a 2nd offense. [1997, c. 737, §18 (NEW).]

If the Secretary of State determines that the person operated the motor vehicle at the time of the offense with a passenger under 21 years of age, an additional suspension period of 180 days must be imposed.

[2009, c. 447, §59 (AMD).]

**4. Duty to submit to test.** A person under 21 years of age who operates a motor vehicle shall submit to a chemical test if there is probable cause to believe that person has operated a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath or while under the influence of a specific category of drug, a combination of specific categories of drugs or a combination of alcohol and one or more specific categories of drugs. The provisions of subchapter 4 apply, except the suspension is:

- A. Eighteen months for the first refusal; and [1997, c. 737, §19 (NEW).]
- B. Thirty months for a 2nd or subsequent refusal. [1997, c. 737, §19 (NEW).]

If the Secretary of State determines that the person operated the motor vehicle at the time of the offense with a passenger under 21 years of age, an additional suspension period of 180 days must be imposed.

[ 2011, c. 335, §7 (AMD) .]

**5. Hearing; stay; issues.** If a hearing is requested in accordance with section 2483, the suspension under subsection 3, paragraph B or C is stayed pending the outcome of the hearing. The scope of a hearing must include whether:

A. There was probable cause to believe that the person was under 21 years of age and operated a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath or while under the influence of a specific category of drug, a combination of specific categories of drugs or a combination of alcohol and one or more specific categories of drugs; [2011, c. 335, §8 (AMD) .]

B. The person operated a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath or with a confirmed positive blood or urine test for a drug or its metabolite and was under the influence of the confirmed drug; and [2011, c. 335, §8 (AMD) .]

C. The person was under 21 years of age. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

[ 2011, c. 335, §8 (AMD) .]

**6. Restoration of license.** If a person's license has been suspended under subsection 3 for a first offense, the Secretary of State may issue a license if:

A. One half of the suspension period has expired; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. The Secretary of State has received notice that the person has completed the alcohol and other drug program of the Department of Health and Human Services. [2011, c. 657, Pt. AA, §80 (AMD) .]

A 2nd or subsequent offender may be issued a license following the completion of the period of suspension if the Secretary of State has received notice that the person has completed the alcohol and other drug program of the Department of Health and Human Services.

[ 2011, c. 657, Pt. AA, §80 (AMD) .]

**7. Reinstatement fee for suspensions for major offenses.** Before a suspension issued to the holder of a license issued pursuant to this section resulting from a conviction or adjudication listed in section 2551-A, subsection 1, paragraph A, as limited by section 2551-A, subsection 3, is terminated and a license reinstated, a fee of \$200 must be paid to the Secretary of State and the holder must complete any community service imposed by a court, up to 60 hours.

[ 2011, c. 654, §13 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 26, §§1,2 (AMD). 1997, c. 737, §§15-20 (AMD). 1997, c. 737, §22 (AFF). 2001, c. 511, §6 (AMD). 2003, c. 286, §6 (AMD). 2005, c. 433, §26 (AMD). 2005, c. 433, §28 (AFF). 2007, c. 383, §30 (AMD). 2009, c. 447, §§57-62 (AMD). 2011, c. 335, §§6-8 (AMD). 2011, c. 654, §§10-13 (AMD). 2011, c. 654, §16 (AFF). 2011, c. 657, Pt. AA, §80 (AMD). 2013, c. 496, §16 (AMD) .

## Article 3: ADMINISTRATIVE PROCEDURES

### §2481. ADMINISTRATIVE PROCEDURES FOR SUSPENSION

**1. Report of officer.** A law enforcement officer who has probable cause to believe a person has violated the terms of a conditional driver's license, commercial driver's license or provisional license or committed an OUI offense shall send to the Secretary of State a report of all relevant information, including, but not limited to, the following:

A. Information adequately identifying the person charged; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The ground that the officer had for probable cause to believe that the person violated the terms of a conditional driver's license, commercial driver's license or provisional license or committed an OUI offense; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. A certificate of the results of alcohol level tests conducted on a self-contained breath-alcohol testing apparatus; and [2009, c. 447, §63 (AMD).]

D. If a person fails to submit to a test, the law enforcement officer's report may be limited to a written statement under oath stating that the officer had probable cause to believe that the person violated the terms of a conditional driver's license, commercial driver's license or provisional license, or committed an OUI offense and failed to submit to a test. [1995, c. 2, §73 (COR).]

The report must be under oath and on a form approved by the Secretary of State.

If the alcohol level test was not analyzed by a law enforcement officer, the person who analyzed the results shall send a copy of that certificate to the Secretary of State.

[ 2009, c. 447, §63 (AMD) .]

**2. Time.** The report must be submitted to the Secretary of State within 72 hours of the offense, excluding Saturdays, Sundays and holidays. If the report is not sent within this time period, the Secretary of State shall impose the suspension, unless the delay has prejudiced the person's ability to prepare or participate in the hearing.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Determination.** The Secretary of State shall make a determination on the basis of the information required in the report.

This determination is final unless a hearing is requested and held.

If a hearing is held, the Secretary of State shall review the matter and make a final determination on the basis of evidence received at the hearing.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). RR 1995, c. 2, §73 (COR). 2009, c. 447, §63 (AMD).

### §2482. NOTICE OF SUSPENSION OR REVOCATION OF LICENSE

**1. Notification by Secretary of State.** Upon determining that a person is subject to license suspension or revocation, the Secretary of State shall immediately notify the person, in writing, of the license suspension or revocation. The notice:



A. Must be sent to the last name and address provided under section 1407 or, if the person has not applied for a license, on record with the Secretary of State; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Must be sent to the address provided in the report of the law enforcement officer if that address differs from the address of record; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. May be served in hand. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2001, c. 361, §33 (AMD) .]

**2. Notice contents.** The notice must clearly state:

A. The reason and statutory grounds for the suspension or revocation; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The effective date of the suspension or revocation; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Unless the suspension or revocation is ordered by a court or rests solely upon a conviction or adjudication in court of an offense that is, by statute, expressly made grounds for that suspension or revocation, the right of the person to request a hearing and the procedure for requesting a hearing; and [2011, c. 335, §9 (AMD).]

D. [1997, c. 776, §50 (RP).]

E. [1997, c. 776, §50 (RP).]

F. If the suspension or revocation is based on a report under section 2453-A or 2481, that a copy of the report of the law enforcement officer and any alcohol test certificate and the confirmed positive drug or metabolite test result and the report of the drug recognition expert will be provided to the person upon request to the Secretary of State. [2011, c. 335, §10 (AMD).]

[ 2011, c. 335, §§9, 10 (AMD) .]

**3. Receipt date.** The notice is deemed received 3 days after mailing, unless returned by postal authorities.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Effective date.** A suspension or revocation is effective on the date specified by the Secretary of State on the notice, which may not be less than 10 days after the mailing of the notification of suspension by the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 776, §50 (AMD). 2001, c. 361, §33 (AMD). 2003, c. 434, §34 (AMD). 2003, c. 434, §37 (AFF). 2009, c. 447, §64 (AMD). 2011, c. 335, §§9, 10 (AMD).

## §2483. HEARING REQUEST

**1. Request for hearing.** A person may make a written request for a hearing to review the determination of the Secretary of State. The request must be made within 10 days from the effective date of the suspension.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Issuance of decision.** The Secretary of State shall conduct a hearing and issue a decision within 30 days of receipt of a written request for hearing.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Delayed requests.** If a request is made after the 10-day period and the Secretary of State finds that the person was unable to make a timely request due to lack of actual notice of the suspension or due to factors of physical incapacity, the Secretary of State shall waive the period of limitation, reopen the matter and grant the hearing request, except a stay may not be granted.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Stay.** Any stay must continue until a decision is issued. Notwithstanding any other provision to the contrary, a stay does not apply during a delay caused or requested by the petitioner, except that, if the petitioner is unable to attend the hearing due to circumstances beyond the petitioner's control, the Secretary of State may continue, one time only, the stay of suspension. The petitioner must submit to the Secretary of State a written request for delay, or an electronically transmitted facsimile of a written request for delay, stating the circumstances, at least 24 hours before the scheduled hearing. A request for a hearing does not stay a suspension unless specifically provided for in this chapter.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4-A. Stay after failure to submit to test.** When a hearing is requested by a petitioner under this section and the petitioner is not entitled to a stay of the suspension pending the hearing due to failure to submit to a test at the request of a law enforcement officer, if the hearing is postponed or otherwise continued by a person other than the petitioner or a cause not attributable to the petitioner, the suspension must be stayed until a hearing is held and a decision is issued. A stay does not apply during a delay caused or requested by the petitioner.

[ 2011, c. 143, §1 (NEW) .]

**5. Suspensions during appeal.** If a person appeals an OUI conviction or administrative determination, the suspension remains in effect during the appeal, unless the court orders otherwise or the Secretary of State restores the license.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2011, c. 143, §1 (AMD).

## §2484. HEARING PROCEDURES

In addition to the general hearing procedures set forth in chapter 1, hearings held under this chapter are governed by the following provisions. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

**1. Evidence.** Evidence admissible in a court under section 2431 is admissible in a hearing.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Official notice.** The Secretary of State may take official notice of the transcript or abstract of the records maintained by the Secretary of State's office or of any court.

If the name and date of birth of the person requesting the hearing is the same as the name and date of birth of the person named in the transcript or abstracts, then the abstracts are presumed to be those of that person.

A transcript or abstract is prima facie evidence that the person named was convicted or adjudicated of each offense shown by the transcript or abstract.

A person denying a fact appearing on a transcript or abstract, or the identification has the burden of proving that the fact is untrue.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Evidentiary standard.** Unless otherwise provided, the Secretary of State shall make a determination by a preponderance of the evidence.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2485. DECISION; APPEAL

**1. Decision.** After hearing, the Secretary of State may rescind, continue, modify or extend the suspension of a license.

[ 1995, c. 65, Pt. A, §121 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

**2. Surrender and return of license.** When a suspension is effective, the Secretary of State shall require that the license be surrendered.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Removal of suspension.** If it is determined after hearing that there was not the requisite probable cause for the required elements of the offense, the Secretary of State shall immediately remove the suspension and delete any record of the suspension and the offense from the record.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Collateral effect.** The determination of facts by the Secretary of State is independent of the determination of the same or similar facts in an adjudication of civil or criminal charges arising out of the same occurrence. The disposition of those charges may not affect a suspension ordered by the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Appeal; judicial review.** The person whose license is suspended or other party may, within 30 days after receipt of the decision, appeal to the Superior Court as provided in Title 5, sections 11001 to 11008. If the court rescinds the suspension, it shall also order the Secretary of State to delete any record of the suspension.

[ 1995, c. 65, Pt. A, §122 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §§A120-122 (AMD). 1995, c. 65, §§A153,C15 (AFF).

## §2486. REINSTATEMENT FEE

**1. Reinstatement fee for suspensions other than for OUI or failure to submit to a test.** Except as provided in section 2472, subsection 7, before a suspension for any reason other than OUI or failure to submit to a test is terminated and a license or certificate reinstated, a fee of \$50 must be paid to the Secretary of State.

[ 2011, c. 654, §14 (AMD) .]

**1-A. Reinstatement fee for suspensions for OUI or failure to submit to a test.** Except as provided in section 2472, subsection 7, before a suspension for OUI or failure to submit to a test is terminated and a license or certificate reinstated, a fee of \$50 must be paid to the Secretary of State.

[ 2013, c. 459, §6 (AMD) .]

**2. Allocation of fee.** A reinstatement fee paid for a court-ordered suspension under section 2605 and 2608 must be deposited equally between the Highway Fund and the General Fund. For all other suspensions, 85% of the reinstatement fee paid pursuant to subsection 1 accrues to the Highway Fund and 15% accrues to the General Fund.

[ 2009, c. 598, §46 (AMD) .]

**3. Application.** This section does not apply to a suspension set aside by the Secretary of State or a court.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Electronic payment.** A person electronically transmitting the fee pursuant to this section shall pay the fee associated with that transmittal.

[ 2005, c. 433, §27 (NEW); 2005, c. 433, §28 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 25, §Q2 (AMD). 1997, c. 25, §Q3 (AFF). 2001, c. 463, §3 (AMD). 2001, c. 463, §7 (AFF). 2005, c. 433, §27 (AMD). 2005, c. 433, §28 (AFF). 2007, c. 531, §§4, 5 (AMD). 2007, c. 531, §10 (AFF). 2009, c. 213, Pt. YYYY, §§2, 3 (AMD). 2009, c. 598, §46 (AMD). 2011, c. 654, §§14, 15 (AMD). 2013, c. 389, §2 (AMD). 2013, c. 459, §6 (AMD).

## §2487. PROOF OF FINANCIAL RESPONSIBILITY

A person with an OUI conviction within the 10-year period as defined by section 2402 may not have a license reinstated until that person has complied with the financial responsibility provisions of section 1605. [1995, c. 368, Pt. AAA, §23 (AMD).]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 368, §AAA23 (AMD).

## Article 4: SPECIAL LICENSES

## §2501. RESTRICTED LICENSE

**1. Eligibility.** Unless otherwise provided, the Secretary of State may issue a restricted license to a first-time OUI offender if:

A. Two thirds of the suspension period has expired; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The Secretary of State has received notice that that person has completed the alcohol and drug program. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Restrictions.** A restricted license issued pursuant to subsection 1 is subject to the following conditions and restrictions:

A. Use is limited to travelling to a treatment program or to employment for a minimum of 90 days after the original suspension date; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Any other conditions or restrictions the Secretary of State considers advisable for the safety of the public and the welfare of the operator. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Failure to submit to test.** The Secretary of State may issue a restricted license to a person whose license was suspended for a first failure to submit to a test, if the condition of subsection 1, paragraph B is met and at least 180 days have elapsed since the date of suspension. This subsection does not apply to a commercial driver's license, provisional license or conditional license.

[ 1995, c. 368, Pt. AAA, §24 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 368, §AAA24 (AMD).

## §2502. SPECIAL LICENSES FOR DRIVER EDUCATION EVALUATION PROGRAM; SUSPENSION

**1. Issuance of special license.** Following the expiration of the total period of suspension imposed on a first-time offender pursuant to Title 15, section 3314 or sections 2411, 2453, 2453-A, 2472 and 2521, the Secretary of State shall issue a special license or permit to the person if the Secretary of State receives written notice that the person has completed the assessment components of the alcohol and other drug program pursuant to Title 5, section 20073-B. First offenders who have registered for the completion of treatment programs as described in Title 5, section 20072, subsection 2 are entitled to receive a special license after completion of 3 treatment sessions provided by a counselor or agency approved by the Department of Health and Human Services. A special license or permit may not be issued under this section to 2nd and subsequent offenders.

[ 2011, c. 657, Pt. AA, §81 (AMD) .]

**2. Suspension of special license.** If the person refuses or fails to complete the alcohol and other drug program pursuant to Title 5, section 20073-B within 3 months after receiving a special license, the Secretary of State, following notice of that refusal or failure, shall suspend the special license until the person completes the program. The suspension must continue until the Secretary of State receives written notification from the Department of Health and Human Services that the person has satisfactorily completed all required components of that program. The Secretary of State shall provide notice of suspension and opportunity for

hearing pursuant to Title 5, chapter 375, subchapter 4. The sole issue at the hearing is whether the person has written notification from the Department of Health and Human Services establishing that the person has satisfactorily completed all components of that program pursuant to Title 5, section 20073-B.

[ 2011, c. 657, Pt. AA, §81 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A123 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1999, c. 448, §§11,12 (AMD). 2001, c. 511, §7 (AMD). 2009, c. 435, §22 (AMD). 2011, c. 335, §11 (AMD). 2011, c. 657, Pt. AA, §81 (AMD).

## §2503. WORK-RESTRICTED LICENSE

**1. Administrative suspension; work-restricted license.** On receipt of a petition for a work-restricted license from a person under suspension pursuant to section 2453, section 2453-A or section 2472, subsection 3, paragraph B or C for a first offense, the Secretary of State may stay a suspension during the statutory suspension period and issue a work-restricted license, if the petitioner shows by clear and convincing evidence that:

A. As determined by the Secretary of State, a license is necessary to operate a motor vehicle:

- (1) Between the residence and a place of employment or in the scope of employment, or both; or
- (2) Between the residence and an educational facility attended by the petitioner if the suspension is under section 2472, subsection 3, paragraph B or C for a first offense; [ 2011, c. 335, §12 (AMD) .]

B. No alternative means of transportation is available; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The petitioner has not, within 10 years, been under suspension for an OUI offense or pursuant to section 2453 or 2453-A. [ 2011, c. 335, §12 (AMD) .]

[ 2011, c. 335, §12 (AMD) .]

**2. Suspension.** The Secretary of State shall suspend, without preliminary hearing, the work-restricted license of a person who:

A. Is adjudicated or convicted of any violation of the provisions of this Title committed during the period when a work-restricted license has been issued; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Violates any restriction or condition of the license; or [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. Has not completed the alcohol and drug program by the end of the statutory suspension period. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 368, §AAA25 (AMD). 1997, c. 737, §21 (AMD). 2011, c. 335, §12 (AMD).

## **§2504. CONDITIONAL OR RESTRICTED LICENSE UPON COMPLETION OF ALCOHOL AND DRUG PROGRAM**

Following the expiration of the total period of suspension and on receipt of written notice that the person has satisfactorily completed the alcohol and drug program required by Title 5, section 20073-B, the Secretary of State may issue a license subject to the conditions, restrictions or terms that the Secretary of State considers advisable for the safety of the public and the welfare of the operator. [1999, c. 448, §13 (AMD).]

### **SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 448, §13 (AMD).

## **§2505. SPECIAL RESTRICTED LICENSE FOR PARTICIPATION IN EDUCATION AND TREATMENT PROGRAMS**

Notwithstanding other limitations, the Secretary of State may issue a restricted license to a person for the purpose of allowing that person to participate in an alcohol and drug program or other treatment program determined appropriate by the Department of Health and Human Services. [2011, c. 657, Pt. AA, §82 (AMD).]

### **SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2011, c. 657, Pt. AA, §82 (AMD).

## **§2506. CONDITIONAL LICENSE**

A license, including a nonresident's operating privilege, issued to a person with an OUI conviction must be issued on the condition that the person not operate a motor vehicle with an alcohol level of more than 0.00 grams per 100 milliliters of blood or 210 liters of breath for the following periods from the license reinstatement date: on first conviction, one year; and on a 2nd or subsequent conviction, 10 years. The provisions of sections 1251, subsection 1 and 2457 apply. [2009, c. 447, §65 (AMD).]

### **SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 368, §AAA26 (AMD). 2001, c. 671, §31 (AMD). 2009, c. 447, §65 (AMD).

## **§2507. IGNITION INTERLOCK DEVICE**

**(REPEALED)**

### **SECTION HISTORY**

1995, c. 368, §AAA27 (NEW). 1997, c. 437, §45 (AMD). 1999, c. 470, §30 (RP).

## **§2508. IGNITION INTERLOCK DEVICE**

**1. Installation of ignition interlock device.** Notwithstanding the periods of suspension pursuant to section 2411 or 2451, subsection 3, the Secretary of State may reinstate the license of a person convicted of a violation of section 2411, except for a violation of section 2411, subsection 1-A, paragraph D, subparagraph (1-A), or whose license is suspended by the Secretary of State pursuant to section 2453 or 2453-A if the person satisfies all other conditions for license reinstatement and installs an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates, under the following conditions.

A. The license of a person with 2 OUI offenses may be reinstated after 9 months of the suspension period has run if the person has installed for a period of 2 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates. [2007, c. 531, §6 (NEW); 2007, c. 531, §10 (AFF).]

A-1. The license of a person with one OUI offense may be reinstated after 30 days of the suspension period has run if the person has installed for a period of 150 days or the length of time remaining for a suspension imposed pursuant to section 2411, subsection 5, paragraph A, subparagraph (2), whichever is shorter, an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates. [2013, c. 389, §3 (NEW); 2013, c. 389, §7 (AFF).]

B. The license of a person with 3 OUI offenses may be reinstated after 3 years of the suspension period has run if the person has installed for a period of 3 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates. [2007, c. 531, §6 (NEW); 2007, c. 531, §10 (AFF).]

C. The license of a person with 4 or more OUI offenses may be reinstated after 4 years of the suspension period has run if the person has installed for a period of 4 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates. [2013, c. 187, §2 (AMD).]

D. The license of a person convicted of a violation of section 2411, subsection 1-A, paragraph D, subparagraph (1) or a person whose driver's license is suspended by the Secretary of State pursuant to section 2453 or 2453-A for a period specified by section 2411, subsection 5, paragraph D-1 may be reinstated after 3 years of the suspension period has run if the person has installed for a period of 3 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates. [2013, c. 389, §3 (NEW); 2013, c. 389, §7 (AFF).]

A person whose license is reinstated pursuant to this subsection shall pay an administrative fee of \$50 to the Secretary of State, in addition to the fee required by section 2486, subsection 1-A.

[ 2013, c. 187, §2 (AMD); 2013, c. 389, §3 (AMD); 2013, c. 389, §7 (AFF) .]

**1-A. Ignition interlock device; discount.** A person certified by the Secretary of State to install ignition interlock devices shall provide for a reduction of costs, inclusive of the total fees and charges assessed to the individual having the ignition interlock device installed, of at least 50% if the individual demonstrates, using the individual's most recent federal income tax return, that the individual has an adjusted gross household income of not more than 150% of the poverty guidelines for the relevant tax year as established by the United States Department of Health and Human Services for that individual's family size.

[ 2013, c. 389, §4 (NEW) .]

**2. Crime; penalty.** A person whose license is reinstated pursuant to section 2412-A, subsection 7 or this section may not:

A. Operate a motor vehicle without an ignition interlock device; or [2007, c. 531, §6 (NEW); 2007, c. 531, §10 (AFF).]

B. Tamper with, disconnect or disable an ignition interlock device or circumvent the operation of an ignition interlock device. [2007, c. 531, §6 (NEW); 2007, c. 531, §10 (AFF).]

Violation of this subsection is a Class E crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The sentence must include a period of incarceration of not less than 7 days and a fine of not less than \$500. These penalties may not be suspended.

[ 2007, c. 531, §6 (NEW); 2007, c. 531, §10 (AFF) .]

**3. Other restrictions; penalty.** Other restrictions are set out in this subsection.



A. A person whose license is reinstated pursuant to section 2412-A, subsection 7 or this section may not request or solicit another person to blow into or otherwise activate an ignition interlock device for the purpose of providing the person with an operable motor vehicle. [2007, c. 531, §6 (NEW); 2007, c. 531, §10 (AFF).]

B. A person may not:

- (1) Rent, lease or lend a motor vehicle without an ignition interlock device to another person the person knows or should know is restricted to the operation of a motor vehicle with an ignition interlock device;
- (2) Blow into or otherwise activate an ignition interlock device for the purpose of providing a person restricted to the operation of a motor vehicle with an ignition interlock device with an operable motor vehicle; or
- (3) Tamper with or circumvent the operation of an ignition interlock device. [2007, c. 531, §6 (NEW); 2007, c. 531, §10 (AFF).]

[ 2007, c. 531, §6 (NEW); 2007, c. 531, §10 (AFF) .]

**4. Penalty.** Notwithstanding section 1251, a violation of subsection 3 is a traffic infraction. The Secretary of State shall suspend the license of any person reinstated pursuant to section 2412-A, subsection 7 or this section who is adjudicated of the traffic infraction described in this section or whom the Secretary of State determines has violated any condition or restriction of license reinstatement. The periods of license suspension are:

A. For a person reinstated pursuant to section 2412-A, subsection 7, one year; and [2007, c. 531, §6 (NEW); 2007, c. 531, §10 (AFF).]

B. For a person reinstated pursuant to this section, one year if the person has one OUI offense, 2 years if the person has 2 OUI offenses, 4 years if the person has 3 OUI offenses or is reinstated pursuant to subsection 1, paragraph D and 6 years if the person has 4 or more OUI offenses. [2013, c. 389, §5 (AMD).]

A person whose license is suspended as a result of a conviction or adjudication pursuant to this subsection is not entitled to the issuance of any type of license until the suspension period has expired.

[ 2013, c. 389, §5 (AMD) .]

#### SECTION HISTORY

2007, c. 531, §6 (NEW). 2007, c. 531, §10 (AFF). 2009, c. 54, §4 (AMD). 2009, c. 54, §7 (AFF). 2009, c. 415, Pt. C, §§2, 3 (AFF). 2009, c. 482, §1 (AMD). 2011, c. 335, §13 (AMD). 2013, c. 187, §2 (AMD). 2013, c. 389, §§3-5 (AMD). 2013, c. 389, §7 (AFF).

## Subchapter 4: IMPLIED CONSENT

### §2521. IMPLIED CONSENT TO CHEMICAL TESTS

**1. Mandatory submission to test.** If there is probable cause to believe a person has operated a motor vehicle while under the influence of intoxicants, that person shall submit to and complete a test to determine an alcohol level and the presence of a drug or drug metabolite by analysis of blood, breath or urine.

[ 2013, c. 459, §7 (AMD) .]

**2. Type of test.** A law enforcement officer shall administer a breath test unless, in that officer's determination, a breath test is unreasonable.

If a breath test is determined to be unreasonable, another chemical test must be administered in place of a breath test.

For a blood test the operator may choose a physician, if reasonably available.

[ 2013, c. 459, §8 (AMD) .]

**3. Warnings.** Neither a refusal to submit to a test nor a failure to complete a test may be used for any of the purposes specified in paragraph A, B or C unless the person has first been told that the refusal or failure will:

A. Result in suspension of that person's driver's license for a period up to 6 years; [1995, c. 368, Pt. AAA, §28 (AMD) .]

B. Be admissible in evidence at a trial for operating under the influence of intoxicants; and [1995, c. 368, Pt. AAA, §28 (AMD) .]

C. Be considered an aggravating factor at sentencing if the person is convicted of operating under the influence of intoxicants that, in addition to other penalties, will subject the person to a mandatory minimum period of incarceration. [1995, c. 368, Pt. AAA, §29 (NEW) .]

[ 1997, c. 357, §1 (AMD) .]

**4. Exclusion as evidence.** A test result may not be excluded as evidence in a proceeding before an administrative officer or court solely as a result of the failure of the law enforcement officer to comply with the notice of subsection 3.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Suspension for refusal.** The Secretary of State shall immediately suspend the license of a person who fails to submit to and complete a test.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Period of suspension.** Except when a longer period of suspension is otherwise provided by law, the suspension is for a period of 275 days for the first refusal, 18 months for a 2nd refusal, 4 years for a 3rd refusal and 6 years for a 4th refusal.

[ 1995, c. 645, Pt. B, §21 (AMD); 1995, c. 645, Pt. B, §24 (AFF) .]

**7. Decision.** A suspension must be removed if, after hearing pursuant to section 2483, it is determined that the person would not have failed to submit but for the failure of the law enforcement officer to give the warnings required by subsection 3.

[ 1995, c. 368, Pt. AAA, §31 (AMD) .]

**8. Issues.** If a hearing is requested in accordance with section 2483, in addition to specific issues required by a specific offense, the scope of the hearing must include whether:

A. There was probable cause to believe the person operated a motor vehicle while under the influence of intoxicants; [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

B. The person was informed of the consequences of failing to submit to a test; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

C. The person failed to submit to a test. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**9. Results of test.** On request, full information concerning a test must be made available to the person tested or that person's attorney by the law enforcement officer.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 368, §§AAA28-31 (AMD). 1995, c. 645, §B21 (AMD). 1995, c. 645, §B24 (AFF). 1997, c. 357, §1 (AMD). 2009, c. 447, §66 (AMD). 2013, c. 459, §§7, 8 (AMD).

## §2522. ACCIDENTS

**1. Mandatory submission to test.** If there is probable cause to believe that death has occurred or will occur as a result of an accident, an operator of a motor vehicle involved in the motor vehicle accident shall submit to a chemical test, as defined in section 2401, subsection 3, to determine an alcohol level or the presence of a drug or drug metabolite in the same manner as for OUI.

[ 2013, c. 459, §9 (AMD) .]

**2. Administration of test.** The investigating law enforcement officer shall cause a blood test to be administered to the operator of the motor vehicle as soon as practicable following the accident and may also cause a breath test or another chemical test to be administered if the officer determines appropriate. The operator shall submit to and complete all tests administered. Except as otherwise provided in this section, testing must be conducted in accordance with section 2521.

[ 2003, c. 565, §1 (AMD) .]

**3. Admissibility of test results.** The result of a test is admissible at trial if the court, after reviewing all the evidence, whether gathered prior to, during or after the test, is satisfied that probable cause exists, independent of the test result, to believe that the operator was under the influence of intoxicants at the time of the accident.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Suspension.** The Secretary of State shall suspend for a period of one year the license of a person who fails to submit to a test under this section.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Scope of hearing.** The scope of any hearing the Secretary of State holds pursuant to section 2483 must include whether there was probable cause to believe that the person was the operator of a motor vehicle involved in a motor vehicle accident in which a death occurred or will occur and whether the person failed to submit to and complete the test. If a person shows, after hearing, that the person was not under the influence of intoxicants or that the person did not negligently cause the accident, then the suspension must be immediately removed.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 565, §1 (AMD). 2009, c. 447, §67 (AMD). 2013, c. 459, §9 (AMD).

## §2523. IMPLIED CONSENT; COMMERCIAL OPERATORS

**1. Mandatory submission to test.** A person who operates a commercial motor vehicle shall submit to a test to determine that person's alcohol level or the presence of a drug or drug metabolite if there is probable cause to believe that the person has operated a commercial motor vehicle while having an alcohol level of 0.04 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath or while under the influence of drugs.

[ 2013, c. 459, §10 (AMD) .]

**2. Period of suspension.** The suspension for failure to submit to a test under subsection 1 is for one year.

A. If the person was operating a commercial motor vehicle containing hazardous materials, then the suspension is for a period of 3 years. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. For 2nd or subsequent failure to submit to a test, the suspension is permanent. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Hearing; issues.** If a hearing is requested pursuant to section 2483, the scope of the hearing must include whether:

A. There is probable cause to believe the person operated a commercial motor vehicle while under the influence of drugs or with an alcohol level of 0.04 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath; [2009, c. 447, §69 (AMD).]

B. The person was informed of the consequences of failing to submit to a test; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

C. The person failed to submit to a test. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 2009, c. 447, §69 (AMD) .]

**4. Concurrent suspensions.** If a person's commercial driver's license is suspended under this section and is also suspended for an OUI conviction arising out of the same occurrence, the period of suspension under this section prior to the conviction must be deducted from the period of suspension of the commercial driver's license for the OUI conviction.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2009, c. 447, §§68, 69 (AMD). 2013, c. 459, §10 (AMD).

## §2524. ADMINISTRATION OF TESTS

**1. Persons qualified to draw blood for blood tests.** Only a physician, registered physician's assistant, registered nurse or person whose occupational license or training allows that person to draw blood samples may draw a specimen of blood for the purpose of determining the blood-alcohol level or the presence of a drug or drug metabolite.

[ 2013, c. 459, §11 (AMD) .]

**2. Persons qualified to analyze blood for blood tests.** A person conducting an analysis of blood-alcohol level or the presence of a drug or drug metabolite must be certified by the Department of Health and Human Services.

[ 2013, c. 459, §11 (AMD) .]

**3. Persons qualified to operate and analyze breath tests.** A person certified by the Maine Criminal Justice Academy as qualified to operate an approved self-contained, breath-alcohol testing apparatus may operate an apparatus to collect and analyze a sample specimen of breath.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Chemical tests on blood and urine specimens.** A sample specimen of blood or urine may be submitted to the Department of Health and Human Services or a person certified by the Department of Health and Human Services for the purpose of conducting chemical tests to determine alcohol level or the presence of a drug or drug metabolite.

[ 2013, c. 459, §11 (AMD) .]

**5. Equipment for taking specimens.** For purposes of this section, only collection kits having a stamp of approval affixed by the Department of Health and Human Services may be used to take a sample specimen of blood or urine, except that a self-contained, breath-alcohol testing apparatus if reasonably available may be used to determine the alcohol level.

Approved breath-alcohol testing apparatus must have a stamp of approval affixed by the Department of Health and Human Services after periodic testing. That stamp is valid for no more than one year.

[ 2013, c. 459, §11 (AMD) .]

**6. Procedures for operation and testing of testing apparatus.** The Department of Health and Human Services shall establish, by rule, the procedures for the operation and testing of testing apparatus.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 2003, c. 689, Pt. B, §6 (REV) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 32, §1 (AMD). 2003, c. 689, §B6 (REV). 2009, c. 447, §§70, 71 (AMD). 2013, c. 459, §11 (AMD).

## §2525. DRUG IMPAIRMENT ASSESSMENT

**1. Submission to test required.** If a drug recognition expert has probable cause to believe that a person is under the influence of a specific category of drug, a combination of specific categories of drugs or a combination of alcohol and one or more specific categories of drugs, that person must submit to a blood or urine test selected by the drug recognition expert to confirm that person's category of drug use and determine the presence of the drug.

[ 2011, c. 335, §14 (AMD) .]

**2. Admissibility of evidence.** If a law enforcement officer certified as a drug recognition expert by the Maine Criminal Justice Academy conducts a drug impairment assessment, the officer's testimony about that assessment is admissible in court as evidence of operating under the influence of intoxicants. Test results showing a confirmed positive drug or metabolite in the blood or urine are admissible as evidence of operating under the influence of intoxicants. Failure to comply with any provision of this section does not, by itself, result in the exclusion of evidence of test results, unless the evidence is determined to be not sufficiently reliable.

[ 2011, c. 335, §14 (AMD) .]

**3. Payment for tests.** A person authorized to take specimens of blood at the direction of a law enforcement officer or to perform tests on specimens of blood or breath must be paid from the Highway Fund.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### 4. Repeal.

[ 1995, c. 145, §2 (RP) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 145, §2 (AMD). 2011, c. 335, §14 (AMD).

## §2526. DRUG RECOGNITION EXPERTS

**1. Training program.** The board of trustees of the Maine Criminal Justice Academy shall establish:

A. A program that meets the National Highway Traffic Safety Administration guidelines for training and certification of drug recognition experts; and [ 2011, c. 335, §15 (AMD) .]

B. Eligibility standards for admission of law enforcement officers to the program that are consistent with National Highway Traffic Safety Administration guidelines and that ensure that trainees are:

(1) Law enforcement officers who have demonstrated proficiency and experience in standardized field sobriety testing and the ability to complete the training and function as drug recognition experts; and

(2) Employed by law enforcement agencies that have the facilities, equipment and other resources necessary for the effective functioning of drug recognition experts. [ 2011, c. 335, §15 (AMD) .]

[ 2011, c. 335, §15 (AMD) .]

**2. Selection of trainees.** The Commissioner of Public Safety shall select for training as drug recognition experts members of the State Police and other law enforcement officers who meet the eligibility requirements.

[ 2011, c. 335, §15 (AMD) .]

**3. Qualifications.** Only those law enforcement officers who successfully complete the training and certification program established under this section may conduct drug impairment assessments and offer testimony as drug recognition experts under section 2525.

[ 2011, c. 335, §15 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2011, c. 335, §15 (AMD) .

## §2527. RULES REGULATING SAMPLE COLLECTION AND TESTING PROCEDURES

The Department of Health and Human Services shall adopt rules regulating sample collection and testing procedures to ensure accurate and reliable testing and to protect the privacy of the person providing the sample. The rules may include, but are not limited to: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF); 2003, c. 689, Pt. B, §6 (REV).]

**1. Standards.** Standards for determining when a sample is to be reported as negative, based upon standards specific to the type and sensitivity of the test and the drug or category of drug screened;

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Urine samples.** A requirement that only a law enforcement officer or law enforcement agency employee of the same sex as the person providing the sample, or a health care practitioner, may observe the giving of a urine sample, and that it may be collected only within a law enforcement or health care facility; and

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Sample for defendant.** A requirement that, at the request and expense of the person charged, the department shall segregate a portion of the sample collected for that person's own testing.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

The department may establish rules governing the format in which the test results are reported. At the time of adoption, the department shall furnish a copy of these rules to the joint standing committee of the Legislature having jurisdiction over legal affairs for review. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 689, §B6 (REV) .

## §2528. LIABILITY

A physician, physician's assistant, registered nurse, person whose occupational license or training allows that person to draw blood, hospital or other health care provider in the exercise of due care is not liable for an act done or omitted in collecting or withdrawing specimens of blood at the request of a law enforcement officer pursuant to this chapter. [2013, c. 459, §12 (AMD).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2003, c. 689, §B6 (REV). 2013, c. 459, §12 (AMD) .

## Subchapter 5: HABITUAL OFFENDER

**§2551. HABITUAL OFFENDER****(REPEALED)**

## SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 368, §AAA32 (AMD). 1995, c. 645, §B22 (AMD). 2001, c. 514, §1 (AMD). 2005, c. 606, §A6 (RP).

**§2551-A. HABITUAL OFFENDER**

**1. Habitual offender defined.** An habitual offender is a person whose record, as maintained by the Secretary of State, shows that:

A. The person has accumulated 3 or more convictions or adjudications for distinct offenses described in this paragraph arising out of separate acts committed within a 5-year period:

- (1) Homicide resulting from the operation of a motor vehicle;
- (2) OUI conviction;
- (3) Driving to endanger, in violation of section 2413;
- (4) Operating after suspension or revocation, in violation of section 2412-A;
- (5) Operating without a license;
- (6) Operating after revocation, in violation of former section 2557, section 2557-A or section 2558;
- (7) Knowingly making a false affidavit or swearing or affirming falsely in a statement required by this Title or as to information required in the administration of this Title;
- (8) A Class A, B, C or D offense in which a motor vehicle is used;
- (9) Leaving the scene of an accident involving injury or death, in violation of section 2252;
- (10) Leaving the scene of an accident involving property damage, in violation of section 2253, 2254 or 2255;
- (11) Eluding an officer, in violation of section 2414;
- (12) Passing a roadblock, in violation of section 2414, subsection 4;
- (13) Operating a motor vehicle at a speed that exceeds the maximum speed limit by 30 miles per hour or more; and
- (14) For a person whose license is reinstated pursuant to section 2412-A, subsection 7 or section 2508, operating a motor vehicle without an ignition interlock device; tampering with or circumventing the operation of an ignition interlock device; or requesting or soliciting another person to blow into or otherwise activate an ignition interlock device for the purpose of providing the person with an operable motor vehicle; or [2013, c. 381, Pt. B, §30 (AMD).]

B. The person has accumulated 10 or more convictions or adjudications for moving violations arising out of separate acts committed within a 5-year period. [2005, c. 606, Pt. A, §7 (NEW).]

[ 2013, c. 381, Pt. B, §30 (AMD) .]

**2. Inclusions.** The offenses included in subsection 1 include offenses under former Title 29, a federal law, a law of another state and a municipal ordinance substantially conforming to the statutory violations.

[ 2005, c. 606, Pt. A, §7 (NEW) .]



**3. Offenses not included.** The following convictions are not included under subsection 1, paragraph A:

A. A conviction of operating a motor vehicle without a license if the license had expired and was not suspended or revoked; [2009, c. 58, §1 (AMD).]

B. A conviction of operating after suspension when the suspension is based upon a failure to pay child support; [2009, c. 297, §3 (AMD).]

C. A conviction of operating after suspension when the suspension is based solely on a failure to pay the reinstatement fee required by section 2486; and [2009, c. 297, §3 (AMD).]

D. An adjudication for the traffic infraction of operating after suspension under section 2412-A, subsection 8. [2009, c. 297, §3 (NEW).]

[ 2009, c. 297, §3 (AMD) .]

**4. Multiple offenses or violations.** For the purposes of this section, when more than one offense or violation described in this section arises from the same incident, the offenses or violations are treated as one offense or violation.

[ 2005, c. 606, Pt. A, §7 (NEW) .]

#### SECTION HISTORY

2005, c. 606, §A7 (NEW). 2007, c. 531, §7 (AMD). 2007, c. 531, §10 (AFF). 2009, c. 58, §§1-3 (AMD). 2009, c. 297, §3 (AMD). 2013, c. 381, Pt. B, §30 (AMD).

## §2552. IMMEDIATE REVOCATION; DURATION OF REVOCATION

Notwithstanding Title 4, section 152, subsection 9 and Title 5, sections 10003 and 10051, the Secretary of State shall immediately revoke, without preliminary hearing, the license to operate a motor vehicle of an habitual offender. [1999, c. 547, Pt. B, §49 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

The revocation under this section is indefinite. A license may not be issued to an habitual offender until after the minimum periods specified in section 2554. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A124 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1999, c. 547, §B49 (AMD). 1999, c. 547, §B80 (AFF).

## §2553. HEARING PROCEDURE

**1. Hearing on request.** Any person whose license, permit or privilege to operate has been revoked pursuant to section 2552 may, within 30 days of notice of revocation, request a hearing to show cause why the license should not be revoked.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Issues.** The only issues that are properly raised at a hearing are:

A. Whether the person whose license has been revoked is the same person named in the transcript or abstract; and [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. Whether the person's record brings that person within the definition of an habitual offender. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Other procedures.** Except as specifically provided in this section, the hearing procedures set forth in subchapter III, article 3 apply to hearings under this section.

[ 1995, c. 65, Pt. A, §125 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §A125 (AMD). 1995, c. 65, §§A153,C15 (AFF).

## §2554. RELIEF FROM HABITUAL OFFENDER STATUS

**1. Petition for relief.** After 3 years from the date of revocation, a person may petition for relief from habitual offender status. The petition must be presented to the Secretary of State.

[ 2001, c. 514, §2 (AMD) .]

**2. Grant of relief by Secretary of State.** If public safety will not be endangered and the person has complied with the financial responsibility requirements chapter 13, subchapter II, the Secretary of State may relieve the person from status as an habitual offender and restore the person's license on appropriate terms and conditions.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Operating after habitual offender revocation.** The Secretary of State may not restore a license if a charge under former section 2557, section 2557-A or section 2558 is pending. If the Secretary of State subsequently determines that a license has been restored when a charge under former section 2557, section 2557-A or section 2558 was pending, the Secretary of State shall, without hearing, immediately reinstate the revocation and provide notice of the reinstatement. A license may not be issued to a person who has been convicted of a violation of former section 2557, section 2557-A or section 2558 for a period of at least one year following the conviction or longer as provided under former section 2557, section 2557-A or section 2558.

[ 2005, c. 606, Pt. A, §8 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2001, c. 514, §2 (AMD). 2005, c. 606, §A8 (AMD).

## §2555. REVOCATION FOLLOWING RESTORATION

The Secretary of State shall revoke the license of a person whose license has been restored pursuant to section 2554 when: [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**1. New convictions.** Within a 5-year period of the restoration, the person commits a new offense under section 2551-A, subsection 1, paragraph A; or

[ 2005, c. 606, Pt. B, §6 (AMD) .]

**2. Continued liability.** The person commits a new offense under section 2551-A, subsection 1, paragraph A and, within 5 years preceding the date of that new offense, the person's record shows accumulated convictions or adjudications, including the new offense, which results in that person's being defined as an habitual offender under section 2551-A, subsection 1, paragraph A.

[ 2005, c. 606, Pt. B, §6 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2005, c. 606, §B6 (AMD) .

## §2556. WORK-RESTRICTED LICENSE FOR HABITUAL OFFENDER

**1. Definition.** For purposes of this section, a "work-restricted license" is a license to operate a motor vehicle between a residence and a place of employment, in the scope of employment, or both, as determined by the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Petition.** An habitual offender whose license has been revoked pursuant to section 2552 may petition the Secretary of State for a work-restricted license only after the expiration of 18 months from the date the license was revoked pursuant to section 2552.

[ 2001, c. 514, §3 (AMD) .]

**3. Stay.** On receipt of the petition, the Secretary of State may stay the revocation and issue a work-restricted license. In deciding whether to issue a work-restricted license, the Secretary of State may consider the petitioner's need.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Ineligibility.** A person is not eligible for a work-restricted license if habitual offender status is based on a conviction or adjudication under former section 2551, section 2551-A, subsection 1, paragraph A, subparagraph (1), former section 2557, section 2557-A or section 2558 or the revocation is issued pursuant to section 2555.

[ 2005, c. 606, Pt. A, §9 (AMD) .]

**5. Eligibility.** If a conviction is based on former section 2551 or section 2551-A, subsection 1, paragraph A, subparagraph (2), the person must have completed the period of suspension required for the OUI conviction and the Secretary of State must have received written notice that the person has satisfactorily completed the alcohol and drug program.

[ 2013, c. 381, Pt. A, §5 (AMD) .]

**6. Revocation of work-restricted license.** The Secretary of State shall revoke, without preliminary hearing, the license of a person who is adjudicated or convicted of a violation of the provisions of this Title committed during the period of a work-restricted license or who violates a restriction or condition of the license.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**7. Stay vacated.** On revocation of the work-restricted license, the stay of revocation issued pursuant to this section is immediately vacated.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. Hearing.** An habitual offender whose work-restricted license has been revoked may request a hearing within 30 days of the revocation.

A stay of revocation may not be issued pending a hearing.

If, after the hearing, the Secretary of State finds that the person is not the same person named in the transcript or abstract, the revocation must be stayed and a work-restricted license must be reissued.

If the Secretary of State finds that the person is the same person named in the transcript or abstract, the revocation must be invoked.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**9. New offense.** An habitual offender who is adjudicated or convicted of a violation of the provisions of this Title while operating under a work-restricted license is not entitled to any further relief during the remaining term of the revocation.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 641, §1 (AMD). 2001, c. 514, §3 (AMD). 2005, c. 606, §§A9,B7 (AMD). 2013, c. 381, Pt. A, §5 (AMD).

## **§2557. OPERATING AFTER HABITUAL OFFENDER REVOCATION** **(REPEALED)**

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §§C13,14 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1997, c. 476, §1 (AMD). 1997, c. 776, §51 (AMD). 2003, c. 452, §§Q90-92 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 673, §§TT6,7 (AMD). 2005, c. 606, §A10 (RP).

## **§2557-A. OPERATING AFTER HABITUAL OFFENDER REVOCATION**

**1. Operating after habitual offender revocation.** A person commits operating after habitual offender revocation if that person:

A. Operates a motor vehicle on a public way, as defined in Title 17-A, section 505, subsection 2, when that person's license to operate a motor vehicle has been revoked under this subchapter or former Title 29, chapter 18-A and that person:

- (1) Has received written notice of the revocation from the Secretary of State;
- (2) Has been orally informed of the revocation by a law enforcement officer;
- (3) Has actual knowledge of the revocation; or
- (4) Is a person to whom written notice was sent in accordance with section 2482 or former Title 29, section 2241, subsection 4; or [2005, c. 606, Pt. A, §11 (NEW) .]

B. After having one or more prior convictions for violating former section 2557, this section or section 2558, violates section 2412-A. [ 2005, c. 606, Pt. A, §11 (NEW). ]

[ 2005, c. 606, Pt. A, §11 (NEW) . ]

**2. Penalties.** The following penalties apply.

A. A person is guilty of a Class D crime if the person violates subsection 1 and:

- (1) The person has not been convicted for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; and
- (2) The person has not received an OUI conviction within the previous 10 years.

The minimum fine for a Class D crime under this paragraph is \$500 and the minimum term of imprisonment is 30 days, neither of which may be suspended by the court. [ 2009, c. 54, §5 (AMD); 2009, c. 415, Pt. C, §§2, 3 (AFF). ]

B. A person is guilty of a Class C crime if the person violates subsection 1 and:

- (1) The person has one conviction for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; or
- (2) The person has one OUI conviction within the previous 10 years.

The minimum fine for a Class C crime under this paragraph is \$1,000 and the minimum term of imprisonment is 6 months, neither of which may be suspended by the court. [ 2009, c. 54, §5 (AMD); 2009, c. 415, Pt. C, §§2, 3 (AFF). ]

C. A person is guilty of a Class C crime if the person violates subsection 1 and:

- (1) The person has 2 convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; or
- (2) The person has 2 OUI convictions within the previous 10 years.

The minimum fine for a Class C crime under this paragraph is \$1,000 and the minimum term of imprisonment is 9 months plus a day, neither of which may be suspended by the court. [ 2009, c. 54, §5 (AMD); 2009, c. 415, Pt. C, §§2, 3 (AFF). ]

D. A person is guilty of a Class C crime if the person violates subsection 1 and:

- (1) The person has 3 or more convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous 10 years; or
- (2) The person has 3 or more OUI convictions within the previous 10 years.

The minimum fine for a Class C crime under this paragraph is \$1,000 and the minimum term of imprisonment is 2 years, neither of which may be suspended by the court. [ 2009, c. 54, §5 (AMD); 2009, c. 415, Pt. C, §§2, 3 (AFF). ]

[ 2009, c. 54, §5 (AMD); 2009, c. 415, Pt. C, §§2, 3 (AFF) . ]

**3. Strict liability.** Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[ 2005, c. 606, Pt. A, §11 (NEW) . ]

**4. Relief from habitual offender status.** The Secretary of State may not grant relief from habitual offender status under section 2554 until at least 3 years have passed after the original date scheduled for eligibility to apply for relief of that status.

[ 2005, c. 606, Pt. A, §11 (NEW) . ]

**5. Presumption of identity.** If the name and date of birth of a person being prosecuted are the same as those of the habitual offender whose privilege to operate has been suspended, it is prima facie evidence that it is the same person.

[ 2005, c. 606, Pt. A, §11 (NEW) .]

**6. Notice to Secretary of State.** A law enforcement officer who has arrested a person for or charged a person with violating this section shall notify the Secretary of State of that action.

[ 2005, c. 606, Pt. A, §11 (NEW) .]

#### SECTION HISTORY

2005, c. 606, §A11 (NEW). 2009, c. 54, §5 (AMD). 2009, c. 415, Pt. C, §§2, 3 (AFF).

## §2558. AGGRAVATED OPERATING AFTER HABITUAL OFFENDER REVOCATION

**1. Crime.** A person is guilty of aggravated operating after habitual offender revocation if that person violates section 2557-A and at the time of the violation the person commits one or more of the following:

- A. OUI in violation of section 2411; [2005, c. 606, Pt. A, §12 (NEW).]
- B. Driving to endanger in violation of section 2413; [2005, c. 606, Pt. A, §12 (NEW).]
- C. Eluding an officer in violation of section 2414; [2005, c. 606, Pt. A, §12 (NEW).]
- D. Passing a roadblock in violation of section 2414, subsection 4; and [2005, c. 606, Pt. A, §12 (NEW).]
- E. Operating a motor vehicle at a speed that exceeds the maximum speed limit by 30 miles per hour or more. [2005, c. 606, Pt. A, §12 (NEW).]

[ 2005, c. 606, Pt. A, §12 (NEW) .]

**2. Penalties.** The following penalties apply.

- A. A person who violates subsection 1 commits a Class D crime for which a minimum fine of \$500 and a minimum term of imprisonment of 6 months must be imposed, neither of which may be suspended by the court. [2005, c. 606, Pt. A, §12 (NEW).]
- B. A person who violates subsection 1 and at the time has one OUI conviction, one conviction for violating this section or one conviction for violating former section 2557 or section 2557-A within the previous 10 years commits a Class C crime for which a minimum fine of \$1,000 and a minimum term of imprisonment of one year must be imposed, neither of which may be suspended by the court. [2009, c. 415, Pt. C, §1 (AMD); 2009, c. 415, Pt. C, §§2, 3 (AFF).]
- C. A person who violates subsection 1 and at the time has 2 convictions for violating this section, former section 2557 or section 2557-A within the previous 10 years commits a Class C crime for which a minimum fine of \$2,000 and a minimum term of imprisonment of 2 years must be imposed, neither of which may be suspended by the court. [2005, c. 606, Pt. A, §12 (NEW).]
- D. A person who violates subsection 1 and at the time has 3 or more convictions for violating this section, former section 2557 or section 2557-A within the previous 10 years commits a Class C crime for which a minimum fine of \$3,000 and a term of imprisonment of 5 years must be imposed, neither of which may be suspended by the court. [2005, c. 606, Pt. A, §12 (NEW).]

[ 2009, c. 415, Pt. C, §1 (AMD); 2009, c. 415, Pt. C, §§2, 3 (AFF) .]

**3. Strict liability.** Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

[ 2005, c. 606, Pt. A, §12 (NEW) .]

**4. Relief from habitual offender status.** The Secretary of State may not grant relief from habitual offender status under section 2554 until at least 3 years have passed after the original date scheduled for eligibility to apply for relief of that status.

[ 2005, c. 606, Pt. A, §12 (NEW) .]

**5. Presumption of identity.** If the name and date of birth of a person being prosecuted are the same as those of the habitual offender whose privilege to operate has been suspended, it is prima facie evidence that it is the same person.

[ 2005, c. 606, Pt. A, §12 (NEW) .]

**6. Notice to Secretary of State.** A law enforcement officer who has arrested a person for or charged a person with violating this section shall notify the Secretary of State of that action.

[ 2005, c. 606, Pt. A, §12 (NEW) .]

#### SECTION HISTORY

2005, c. 606, §12 (NEW). 2009, c. 54, §6 (AMD). 2009, c. 415, Pt. C, §1 (AMD). 2009, c. 415, Pt. C, §§2, 3 (AFF).

## Subchapter 6: GENERAL ENFORCEMENT PROVISIONS

### §2601. SUMMONS AND COMPLAINT

**1. Form of Uniform Summons and Complaint.** Every law enforcement agency in this State shall use traffic summonses for civil violations defined in this Title and criminal traffic offenses defined in Title 23, section 1980 or this Title in the form known as the Uniform Summons and Complaint, which must be uniform throughout the State and must be issued in books with summonses in no less than quadruplicate and meeting the requirements of this chapter. The Uniform Summons and Complaint must include, at a minimum, the signature of the officer, a brief description of the alleged offense, the time and place of the alleged offense and the time, place and date the person is to appear in court. The Uniform Summons and Complaint must also include a statement that signing the summons does not constitute an admission or plea of guilty and that refusal to sign after having been ordered to do so by a law enforcement officer is a separate Class E crime. A person to whom a Uniform Summons and Complaint is issued or delivered must give a written promise to appear. The form of the Uniform Summons and Complaint must be approved by the Chief Judge of the District Court prior to its use.

[ 2013, c. 482, §6 (AMD) .]

**2. Creation of forms.** The Commissioner of Public Safety is responsible for creating the forms of Uniform Summons and Complaint, subject to the approval of the forms by the Chief Judge of the District Court.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Form of Violation Summons and Complaint.** Every law enforcement agency in this State shall use traffic summonses for traffic infractions in the form known as the Violation Summons and Complaint, which must be uniform throughout the State and must be issued in books with summonses in no less than quadruplicate and meeting the requirements of this chapter. The form must include, at a minimum, the

signature of the officer, a brief description of the alleged offense, the time and place of the alleged offense and the date on or before which the person is to file a written answer with the violations bureau. The Violation Summons and Complaint must also include a statement that signing the summons does not constitute an admission or plea of guilty and that refusal to sign after having been ordered to do so by a law enforcement officer is a separate Class E crime. The form of the Violation Summons and Complaint must be approved by the Chief Judge of the District Court prior to its use.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3-A. Electronic Violation Summons and Complaint.** Notwithstanding subsection 3, the Chief Judge of the District Court may approve for use an electronic Violation Summons and Complaint form. The electronic Violation Summons and Complaint form must include, at a minimum, an electronic or digital signature of the officer, a brief description of the alleged offense, the time and place of the alleged offense and the date on or before which the person is to file a written answer with the violations bureau.

[ 2013, c. 112, §9 (NEW) .]

**4. Responsibility for issuance and disposition.** The summons and complaint forms must be printed and distributed as follows.

A. The District Court is responsible for printing all copies of the Violation Summons and Complaint forms. The Department of Public Safety is responsible for printing all copies of the Uniform Summons and Complaint forms and issuing both types to law enforcement agencies or others. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

B. The chief executive officer of every law enforcement agency or that chief executive officer's designee is responsible for the further issuance of summons and complaint forms to individual law enforcement officers and for the proper disposition of those forms. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**5. Illegal disposition.** It is unlawful and official misconduct for any law enforcement officer or other officer or public employee to dispose of a Violation Summons and Complaint or a Uniform Summons and Complaint or any portion of either or of the record of the issuance of a Violation Summons and Complaint or a Uniform Summons and Complaint in a manner other than as required under rules adopted pursuant to this section. Any person who solicits or aids in the disposition or attempted disposition of a Violation Summons and Complaint or a Uniform Summons and Complaint or any portion of either in any unauthorized manner commits a Class E crime.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**6. Uniform Summons and Complaint as summons.** A Uniform Summons and Complaint, when issued or delivered to a person by a law enforcement officer or served on the person in the manner prescribed by rule of the Supreme Judicial Court, acts as a summons to appear in court on the date and time specified in the summons or to otherwise respond in accordance with law on or before the date and time specified in the summons. Any person who fails to appear in court as directed by the summons or to otherwise respond in accordance with law on or before the date and time specified in the summons commits a Class E crime. Upon the person's failure to appear or respond, the court may issue a warrant of arrest. It is an affirmative defense to prosecution under this subsection that the failure to appear or respond resulted from just cause.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]



**7. Violation Summons and Complaint as summons.** The Violation Summons and Complaint, when issued or delivered to a person by a law enforcement officer or served on the person in the manner prescribed by rule of the Supreme Judicial Court, acts as an order to file written answer to the complaint on or before the date specified in the summons.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**8. When a lawful complaint.** If the Uniform Summons and Complaint is duly sworn to as required by law and otherwise legally sufficient in respect to the form of a complaint and to charging commission of the offense alleged in the summons to have been committed, then the summons when filed with a court having jurisdiction constitutes a lawful complaint for the purpose of the commencement of any prosecution of a civil violation under this Title or a misdemeanor or Class D or Class E crime under Title 23, section 1980 or this Title. When filed with the violations bureau, the Violation Summons and Complaint is considered a lawful complaint for the purpose of the commencement of a traffic infraction proceeding.

[ 2013, c. 482, §7 (AMD) .]

**9. Responsibility of law enforcement officer to file summonses and complaints with District Court.**

A law enforcement officer issuing a Violation Summons and Complaint charging the commission of a traffic infraction shall file the original of the Violation Summons and Complaint with the violations bureau within 5 days of the issuance of the Violation Summons and Complaint. A law enforcement officer issuing a Uniform Summons and Complaint that charges the commission of an offense shall file the original of the Uniform Summons and Complaint with the District Court having jurisdiction over the offense or in such other location as instructed by the Chief Judge of the District Court without undue delay and, in any event, within 5 days after the issuance of the Uniform Summons and Complaint.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**10. Refusal to sign.** A person who refuses to sign a Uniform Summons and Complaint or a Violation Summons and Complaint after having been ordered to do so by a law enforcement officer commits a Class E crime. A law enforcement officer may not order a person to sign the Uniform Summons and Complaint for a civil violation unless the civil violation is an offense defined in Title 12; Title 28-A, section 2052; or this Title. Notwithstanding any other provision of law, the venue for a violation of this subsection is the same judicial division as for the Uniform Summons and Complaint or Violation Summons and Complaint that the person refuses to sign.

[ 1997, c. 653, §12 (AMD) .]

**SECTION HISTORY**

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 653, §12 (AMD). 2013, c. 112, §9 (AMD). 2013, c. 482, §§6, 7 (AMD).

## **§2602. JURISDICTION**

**1. Traffic infractions.** The District Court has original and exclusive jurisdiction over prosecutions for traffic infractions.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Other violations.** The District Court has original and concurrent jurisdiction with the Superior Court over prosecutions for other violations of this Title.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Class C or greater.** For Class C or greater crimes, the District Court jurisdiction is subject to Title 4, section 165 and Title 17-A, section 9.

[ 1999, c. 731, Pt. ZZZ, §38 (AMD); 1999, c. 731, Pt. ZZZ, §42 (AFF) .]

**4. Fines.** Except as otherwise provided in this Title, fines and forfeitures collected under this Title accrue to the General Fund, except that:

A. Six percent of fines and forfeitures collected for all traffic infractions, including fines and forfeitures collected for traffic infractions under section 561-A, accrues to the Law Enforcement Agency Reimbursement Fund established in Title 4, section 173, subsection 4-B. This paragraph does not apply to sections 525, 1767 and 2363; [2001, c. 565, Pt. F, §3 (AMD).]

B. Of the fines and forfeitures collected for traffic infractions under sections 511, 2354, 2356, 2360, 2380, 2387 and 2388, 7% accrues to the General Fund, 6% accrues to the Law Enforcement Agency Reimbursement Fund and the balance accrues to the General Highway Fund; and [2003, c. 498, §6 (AMD); 2003, c. 498, §12 (AFF).]

C. Of the fines and forfeitures collected for violations other than traffic infractions under sections 511, 2354, 2356, 2360, 2380, 2387 and 2388, only \$5 or 13%, whichever is greater, accrues to the General Fund and the balance accrues to the Highway Fund. [2003, c. 498, §6 (AMD); 2003, c. 498, §12 (AFF).]

[ 2003, c. 498, §6 (AMD); 2003, c. 498, §12 (AFF) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1997, c. 750, §A3 (AMD). 1999, c. 731, §ZZZ38 (AMD). 1999, c. 731, §ZZZ42 (AFF). 2001, c. 565, §F3 (AMD). 2003, c. 498, §6 (AMD). 2003, c. 498, §12 (AFF).

### §2603. SPEEDY TRIAL

*(REPEALED)*

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2011, c. 559, Pt. B, §1 (RP).

### §2604. TRAFFIC INFRACTION; GENERAL PENALTY

*(REPEALED)*

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 584, §B11 (AMD). 2013, c. 381, Pt. C, §4 (RP).

### §2605. SUSPENSION ON NONAPPEARANCE OR NONPAYMENT OF FINE

**1. Suspension by clerk.** If a person fails to appear in court on the date and time specified in response to a Uniform Summons and Complaint, a summons, a condition of bail or order of court for any criminal violation of Title 23, section 1980; a civil violation under Title 28-A, section 2052; a civil violation under this Title; or any criminal provision of this Title, or for any further appearance ordered by the court, including one for the payment of a fine, either in person or by counsel, or fails to pay a fine imposed for a criminal traffic offense, the clerk shall suspend the person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit. The court shall immediately notify that person of the suspension by regular mail or personal service. Written notice is sufficient if sent to the person's last known address.

If a person who is not an individual fails to appear or pay a fine in a civil violation under this Title or a criminal traffic offense, the clerk shall suspend the registration of the motor vehicle involved in the offense or that person's right to operate that vehicle in the State.

[ 2013, c. 482, §8 (AMD) .]

**2. Notification of Secretary of State.** Upon suspension under subsection 1 of a person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit, the court shall notify the Secretary of State that the court has ordered the suspension. The Secretary of State shall immediately record the suspension.

[ 2005, c. 325, §3 (RPR) .]

**3. Effect of suspension.** A court-ordered suspension has the same force and effect as a suspension by the Secretary of State. The suspension remains in effect until the person appears, either in person or by counsel, or pays the fine.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Rescission of suspension.** On appearances or payment of the fine, whichever was the basis for the suspension, and on the condition of payment of a \$50 reinstatement fee pursuant to section 2486, subsection 1 to the Secretary of State, the clerk of the court in which the suspension was ordered shall rescind the suspension and notify the Secretary of State who, upon receipt of the \$50 reinstatement fee, shall delete any record of the suspension from that person's driving record.

[ 2009, c. 213, Pt. YYYY, §4 (AMD) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 790, §D9 (AMD). 2001, c. 463, §4 (AMD). 2001, c. 463, §7 (AFF). 2005, c. 325, §§2,3 (AMD). 2009, c. 213, Pt. YYYY, §4 (AMD). 2013, c. 482, §8 (AMD).

## §2606. ENFORCEMENT OF SUSPENSION

**1. Confiscation of license, certificate or plates.** If a law enforcement officer, in the course of stopping or detaining a motor vehicle, obtains a suspended license or certificate of registration, or a license issued by another state, foreign country or province when that person's license or certificate of registration is under suspension, the officer shall confiscate that license, certificate or plates and transmit the confiscated items together with a report of the circumstances to the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Investigation.** On request of the Secretary of State, notification of the suspension must be served, and the certificate, license or plates must be confiscated. If the license, certificate or plates can not be confiscated, an investigation must be undertaken by the sheriff of the county in which that person resides by a state or local law enforcement officer or by an employee of the Secretary of State.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Confiscation of suspended licenses.** The Secretary of State shall take reasonable actions to confiscate suspended licenses.

[ 2005, c. 606, Pt. A, §13 (NEW) .]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 2005, c. 606, §A13 (AMD).

## §2607. CONVICTION RECORD TO SECRETARY OF STATE; PUBLIC RECORD

**1. Transmission of abstract.** For every conviction or adjudication of a violation relative to motor vehicles or to the operation of a vehicle, a court shall transmit to the Secretary of State an abstract, duly certified, setting forth the name of the court, the docket number of the case, the names of the parties, the nature of the offense, the date of the offense, the date of hearing, the plea, the judgment and the result.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**2. Speeding.** In a case involving a violation of sections 2073 to 2075, the abstract must contain the legal speed involved and the speed of which the person was convicted.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**3. Public records.** Abstracts are open to public inspection during reasonable hours.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

**4. Electronic reporting.** When a court is equipped with a computer terminal or other electronic data processing equipment having the capacity to transmit to and retrieve from the official motor vehicle records of the Secretary of State all information included in the abstract, the court may use the computer terminal or electronic data processing equipment in lieu of a written document.

[ 1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF).

## §2608. SUSPENSION FOR FAILURE TO APPEAR, ANSWER OR PAY A FINE IN A TRAFFIC INFRACTION OFFENSE

If a person fails to answer in any traffic infraction proceeding under Title 23, section 1980 or any traffic infraction provision of this Title by the date specified in the Violation Summons and Complaint, fails to appear for trial or pay a fine assessed in any traffic infraction proceeding, the clerk shall suspend the person's license or permit, right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

If a person who is not an individual fails to appear, answer or pay a fine in a traffic infraction proceeding, the clerk shall suspend the registration of the motor vehicle involved in the offense or that person's right to operate that vehicle in the State. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

The clerk shall immediately notify that person of the suspension by regular mail or personal service. The suspension has the same force and effect as a suspension by the Secretary of State. The suspension remains in effect until the person answers or appears, either in person or by counsel, or pays the fine. On answer, appearance or payment of the fine, whichever was the basis for the suspension, and on condition of payment of a \$50 reinstatement fee pursuant to section 2486, subsection 1 to the Secretary of State, the clerk of the court in which the suspension was ordered shall rescind the suspension and notify the Secretary of State who, upon receipt of the \$50 reinstatement fee pursuant to section 2486, subsection 1, shall delete any record of the suspension from that person's driving record. [2009, c. 213, Pt. YYYY, §5 (AMD).]

Written notice is sufficient if sent by regular mail to the last known name and address provided by the person on the Violation Summons and Complaint, written answer to a Violation Summons and Complaint, a written pleading filed with the violations bureau or, if the person has not so provided an address, to the address shown on the Violation Summons and Complaint, a copy of which has been served on the person. The notice must also state that the license, permit or right to operate will not be reinstated and the person may not operate a motor vehicle before payment of the reinstatement fee as required under section 2486. [1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF).]

When a court, including the violations bureau, is equipped with a computer terminal or other electronic data processing equipment having the capacity to transmit to and retrieve from the official motor vehicle records of the Secretary of State, the court may use the computer terminal or electronic data processing equipment in lieu of sending a written document to the Secretary of State. [2001, c. 361, §34 (NEW).]

#### SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1999, c. 790, §D10 (AMD). 2001, c. 361, §34 (AMD). 2001, c. 463, §5 (AMD). 2001, c. 463, §7 (AFF). 2009, c. 213, Pt. YYYY, §5 (AMD).

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